United Nations A/C.3/60/SR.37

General Assembly
Sixtieth session

Official Records

Distr.: General
2 December 2005

Original: English

Third Committee

Summary record of the 37th meeting
Held at Headquarters, New York, on Wednesday, 9 November 2005, at 3 p.m.

Chairman: Mr. Butagira ..... (Uganda)

Contents

Agenda item 71: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*)

Agenda item 69: Elimination of racism and racial discrimination (*continued*)*

(a) Elimination of racism and racial discrimination (*continued*)*

(b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (*continued*)*

Agenda item 70: Right of peoples to self-determination (*continued*)*

Agenda item 39: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (*continued*)

* Items which the Committee has decided to consider together.

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

05-59423 (E)

The meeting was called to order at 3.10 p.m.

Agenda item 71: Human rights questions (*continued*) (A/C.3/60/L.32, L.38, L.39, L.47 and L.51)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/60/L.32, L.38 and L.39)

Draft resolution A/C.3/60/L.32: Establishment of a United Nations human rights training and documentation centre for South-West Asia and the Arab region

1. **Mr. Al-Thani** (Qatar), introducing the draft resolution on behalf of the original sponsors and Afghanistan, Algeria, Libya, Myanmar and Saudi Arabia, said that the idea of establishing a United Nations human rights training and documentation centre for South-West Asia and the Arab region was the result of a joint initiative between the State of Qatar and the Office of the High Commissioner for Human Rights (OHCHR) during the twelfth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asia-Pacific Region, held in 2004. Since then, Qatar and OHCHR had been working together to make the initiative a reality. In that regard, OHCHR had undertaken two missions to Doha and other capitals in the region to discuss key elements concerning the centre's establishment and the steps required to facilitate the adoption of a resolution by the General Assembly. They had also worked together to increase support for the initiative at various forums, including the Council of the League of Arab States, the Gulf Cooperation Council, the Commission on Human Rights, the South American and Arab Countries Summit, and the thirteenth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asia-Pacific Region.

2. The overall objective of the centre was to help promote human rights in the region by providing training, documentation, dissemination of information, studies and exchanges of experiences. Its objectives were, inter alia, to cooperate with Governments on the adoption of human rights policy frameworks, to build the capacity of government institutions and law enforcement officials responsible for the rule of law, to empower national human rights institutions, to strengthen civil society organizations, to support and initiate human rights programmes in schools, to cooperate with regional organizations and to integrate a human rights perspective into the work of the United Nations agencies and programmes.

3. The centre would work under the direction and supervision of OHCHR and in close cooperation with its regional offices, other United Nations agencies, human rights organizations and national human rights institutions. The State of Qatar would host the centre, provide equipped premises and other related logistical requirements and contribute to its activities. OHCHR, meanwhile, would take care of the centre's operational and functional costs, including staffing and administration.

4. **Mr. Gustafik** (Deputy Secretary of the Committee) announced that Cape Verde had also joined in sponsoring the draft resolution.

Draft resolution A/C.3/60/L.38: Human rights in the administration of justice

5. **Mr. Gustafik** (Deputy Secretary of the Committee) said that the draft resolution should have been submitted under agenda item 71 (b), not 71 (c), as indicated in the document.

6. **Mr. Unger** (Austria), speaking on behalf of the original sponsors and Japan, introduced the draft resolution, referring in particular to the importance of an independent and impartial judiciary (fourth preambular paragraph), access to justice (sixth preambular paragraph), full and effective implementation of existing standards (para. 1) and capacity-building in post-conflict situations (para. 10). He also drew attention to the references to the work of the Inter-Agency Coordination Panel on Juvenile Justice and the publication entitled "Protecting the rights of children in conflict with the law" (para. 13); the adoption by the Economic and Social Council of the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, set out in the annex to resolution 2005/20 of 22 July 2005 (para. 14); the final report of the independent expert for the United Nations study on violence against children (para. 15); and the Peacebuilding Commission and the Rule of Law Assistance Unit (para. 17). He hoped that, as in previous bienniums, the draft resolution would be adopted without a vote.

7. **Mr. Gustafik** (Deputy Secretary of the Committee) announced that Albania, Serbia and Montenegro, and Turkey had also joined in sponsoring the draft resolution.

Draft resolution A/C.3/60/L.39: Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

8. **Mr. Gustafik** (Deputy Secretary of the Committee) said that the draft resolution should have been submitted under agenda item 71 (b), not 71 (c), as indicated in the document.

9. **Mr. Unger** (Austria), introducing the draft resolution on behalf of the original sponsors and Costa Rica, El Salvador, Mexico and Norway, said that, as noted in the 2005 World Summit Outcome (General Assembly resolution 60/1, para. 130), the promotion and protection of the rights of persons belonging to minorities, which could only be achieved by promoting tolerance, mutual understanding and pluralism, contributed to political and social stability and peace and enriched the cultural diversity and heritage of society.

10. Turning to the draft resolution, he drew particular attention to the appointment of the independent expert on minority issues by the United Nations High Commissioner for Human Rights on 29 July 2005 (ninth preambular paragraph); the call for the Working Group on Minorities of the Subcommission on the Promotion and Protection of Human Rights to focus its work on conceptual support of, and dialogue with, the independent expert (para. 14); and — in line with the revisions that he would read out — the invitation to the High Commissioner to facilitate the effective participation of representatives of non-governmental organizations and persons belonging to minorities, in particular those from developing countries, in minority-related activities organized by the United Nations (para. 16).

11. In that regard, he announced the following revisions: in paragraph 5, the words "without discrimination" should be inserted after "development of their country"; and in paragraph 16, the words "of minority representatives and experts on minority issues, particularly from developing countries" should be replaced by "of representatives of non-governmental organizations and persons belonging to minorities, in particular those from developing countries". He hoped that, as in the previous bienniums, the draft resolution would be adopted without a vote.

12. **Mr. Gustafik** (Deputy Secretary of the Committee) announced that the Dominican Republic, Ethiopia, Guatemala and the Republic of Moldova had also joined in sponsoring the draft resolution.

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/C.3/60/L.47 and L.51)

Draft resolution A/C.3/60/L.47: Situation of human rights in the Sudan

13. **Mr. Gustafik** (Deputy Secretary of the Committee) said that Israel should have been listed as an original sponsor of the draft resolution.

14. **Mr. O'Neill** (United Kingdom), introducing the draft resolution on behalf of the original sponsors, including the members of the European Union, and also Croatia, Norway and Serbia and Montenegro, said that the sponsors continued to believe that the situation of human rights in the Sudan merited being addressed by the Committee. He highlighted a number of significant developments which the sponsors welcomed, including the appointment of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Sudan; the visits to the Sudan by the Special Rapporteur, the Representative of the Secretary-General on internally displaced persons and the Special Adviser on the Prevention of Genocide; the adoption of the interim constitution; and the progress made in implementing the Comprehensive Peace Agreement. The sponsors also commended the cooperative spirit in which the Government of National Unity had welcomed the Special Rapporteur and the Special Adviser, while continuing to pay tribute to the leadership role played by the African Union.

15. However, the sponsors continued to have grave concerns regarding the widespread violations of human rights and humanitarian law in Darfur and the continuing human rights violations throughout the Sudan. The draft resolution therefore called on the Government of National Unity to end violations of human rights and the prevailing culture of impunity (para. 5 (d)) and to cooperate fully with the International Criminal Court (para. 5 (c)).

16. The text before the Committee addressed human rights and humanitarian issues in a comprehensive and balanced manner, while giving due attention to positive developments in the country. It also built on Security Council resolutions 1590 (2005), 1591 (2005) and 1593 (2005). The sponsors were committed to working closely with all interested delegations, in particular those of the African Union, to ensure that the draft resolution was adopted by the General Assembly. It was important for the international community to send a strong signal that human rights violations could not be tolerated and that the atrocities and prevailing culture of impunity in Darfur must be brought to an immediate end. He therefore urged Member States to support the draft resolution.

Draft resolution A/C.3/60/L.51: Situation of human rights in Uzbekistan

17. **Mr. O'Neill** (United Kingdom), introducing the draft resolution on behalf of the original sponsors, including the members of the European Union, and also Norway and Serbia and Montenegro, said that the following revisions should be made to the text: paragraph 2 (h) should be deleted; in paragraph 4 (b), the words "the 1967 Protocol thereto" should be replaced by "its 1967 Protocol"; and paragraph 4 (i) should read "To allow International Committee of the Red Cross representatives unimpeded access to persons detained, in accordance with its working procedures;". There was also an editorial mistake in paragraph 4 (e), which should refer not to the "Independent Expert on the protection of human rights and fundamental freedoms while countering terrorism", but to the "Independent Expert on the situation of human rights in Uzbekistan".

18. The sponsors welcomed the steps taken to implement the National Action Plan on Torture and the recommendations of the Special Rapporteur of the Commission on Human Rights on torture and other cruel, inhuman or degrading treatment or punishment, and the decision by the President of Uzbekistan to abolish the death penalty by 1 January 2008. In that regard, it strongly urged the Government of Uzbekistan to introduce an immediate moratorium on the death penalty.

19. Despite those developments, the sponsors were gravely concerned by the Government's actions in Andijan in May 2005 and its subsequent response. There had been a clear deterioration in the human rights situation in Uzbekistan and a refusal by the Government to cooperate with, or address the concerns of, the international community. Credible reports indicated that the authorities had used indiscriminate and disproportionate force to quell unrest in Andijan, resulting in many civilian deaths. The arbitrary arrest and detention of eyewitnesses to the Andijan events had been accompanied by increasing restrictions on freedom of expression, thought, conscience and religion, a refusal to register political parties, and harassment and detention of human rights defenders, journalists and others. In the wake of events in Andijan, the Government had also sought to undermine the work of the United Nations High Commissioner for Refugees (UNHCR) by trying to prevent Uzbek refugees in Kyrgyzstan from travelling to a third country.

20. Noting that the draft resolution called on the Government of Uzbekistan to grant permission for the establishment of an international commission of inquiry into the events in Andijan (para. 4 (a)) and to accede to the 1951 Convention relating to the Status of Refugees (para. 4 (b)), he said that the sponsors of the draft resolution fully supported the activities of UNHCR, the Commission on Human Rights, including the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Organization for Security and Cooperation in Europe (OSCE) and the International Committee of the Red Cross (ICRC) in Uzbekistan. The sponsors of the draft resolution urged the Government of Uzbekistan to cooperate with those institutions and stood ready to work with the Government to help it ensure full respect for human rights and fundamental freedoms.

21. Noting that it was the first time that a draft resolution on the situation of human rights in Uzbekistan had been before the General Assembly, he said that the scale of the deaths in Andijan, the subsequent deterioration of the human rights situation in the country and the Government's continued refusal to cooperate with, or address the concerns of, the international community all required the General Assembly to address the issue. He urged Member States to support the draft resolution.

22. **Ms. Tuyunbayeva** (Uzbekistan) said that during the ongoing discussions on improving the United Nations human rights machinery, many delegations had made it clear that the United Nations should focus on finding common solutions to common problems,

particularly regarding human rights. As stressed by many, there would be no such improvement until States rejected the practice of double standards, selectivity and politicization, a practice which continued to prevail at the United Nations and was stimulated by the continued efforts of Western countries to submit for consideration country-specific resolutions. Such resolutions had no genuine interest in promoting human rights, but were a way of putting political pressure on individual Member States. They had no effect whatsoever on improving international cooperation on human rights but rather caused confrontation, misunderstanding and mutual distrust. They were designed to condemn, not to pave the way for cooperation and understanding.

23. The introduction by the European Union of a draft resolution on Uzbekistan once again demonstrated the way in which certain States abused their political and financial power to exploit international organizations for their own political agendas. The draft resolution was a politically motivated move by the European Union, which had no genuine interest in democracy or human rights in her country. There was no justification for the European Union to inflate the issue for its own political purposes and bring it unnecessarily to the Committee when Uzbekistan was cooperating fully with the Commission on Human Rights and other United Nations human rights bodies. The submission of the draft resolution significantly undermined Uzbekistan's efforts to ensure full enjoyment of all human rights.

24. If equality and mutual respect were principles of the United Nations, they should apply equally to all. While States of course had individual differences, they also faced common challenges. In her delegation's view, such differences and challenges should be addressed only through dialogue and cooperation. Uzbekistan had always been ready to engage in genuine dialogue with all interested parties in addressing human rights challenges. Her delegation believed that it was in their common interest to resist any attempt to manipulate human rights issues for political purposes and therefore appealed to all Member States to exercise a high degree of objectivity and support Uzbekistan by voting against the draft resolution.

Agenda item 69: Elimination of racism and racial discrimination (*continued*) (A/60/18)

(a) Elimination of racism and racial discrimination (*continued*) (A/60/283 and 440; A/C.3/60/4)

(b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (*continued*) (A/60/307 and 440)

Agenda item 70: Right of peoples to self-determination (*continued*) (A/60/111, 263, 268 and 319)

25. **Mr. Saeed** (Sudan) said that racism, racial discrimination and xenophobia, especially towards migrants, refugees and ethnic minorities, were deeply disturbing. Cultural or ethnic supremacism and efforts to destroy the "other" were completely contrary to the teachings of the revealed religions and humanitarian principles. The Sudan's interim constitution stipulated citizenship without discrimination on the basis of colour, ethnicity, religion, language, or any other ground. The Durban Declaration and Programme of Action constituted progress, but the recent trend towards disparaging certain religious heritages had led to a clash of civilizations that spawned radicalism and threatened peace and security. In particular, in the wake of the regrettable terrorist attacks of 11 September, Muslim and Arab communities had been subject to discrimination that affected all aspects of their lives. The international community needed to take immediate steps to instil a culture of dialogue and acceptance to counter that danger.

26. The Sudan concurred with the African Union's position that the right to self-determination was limited to peoples who had suffered colonialism or foreign occupation and should not be used as a pretext for partitioning the territory, destroying the social fabric, or interfering in the internal affairs of any State. In that regard, the international community needed to devote the necessary attention to implementation of United Nations resolutions relating to the right of the Palestinian people to self-determination in an independent State in Palestine with Jerusalem as its capital.

27. **Mr. Alrashidan** (Saudi Arabia) said that the need to eliminate racism, xenophobia and discrimination was highlighted by recent efforts in the media to distort the image of Islam and defame the Prophet Muhammad

under the cover of freedom of expression. The Kingdom of Saudi Arabia was pained by the phenomenon of "Islamophobia", and wished to take special note of the Special Rapporteur's concern about the growing number of counter-terrorism policies and programmes that generated new forms of discrimination against groups and entire communities, religions and spiritual traditions.

28. **Ms. Joseph** (Saint Lucia), speaking on agenda item 70, said that the principle of self-determination of peoples, a fundamental precept of the international community, was established in Articles 1 and 55 of the Charter of the United Nations and reaffirmed in the 2005 World Summit Outcome. It formed the foundation of international instruments to protect and promote human rights, eliminate racial discrimination and achieve decolonization.

29. Self-determination had continued to elude the people of the remaining Non-Self-Governing Territories, which were mainly small islands, even though it was a fundamental human right, as the General Assembly had reaffirmed in its resolutions 59/134 A and B. The General Assembly had also pointed out that all available options for self-determination were valid as long as they were in accordance with the freely expressed wishes of the peoples concerned and with the principles contained in resolutions of the General Assembly.

30. The international community must accelerate its efforts to provide the peoples of the 16 Non-Self-Governing Territories with a legitimate opportunity to exercise their basic right to self-determination. In accordance with the relevant resolutions of the General Assembly, that goal could be achieved by developing public awareness programmes, involving the Territories in United Nations programmes and emphasizing the right of the people of the Territories to pursue sustainable development by owning and controlling their natural resources.

31. **Ms. Šimonović** (Croatia) said that the report of the Special Rapporteur had demonstrated the need for new ways of addressing persistent racism, racial and ethnic discrimination, xenophobia and related intolerance. Her country was currently preparing a comprehensive national strategy against discrimination which would be based on the International Convention on the Elimination of All Forms of Racial Discrimination, the Durban Declaration and Programme of Action, and other relevant documents or instruments. The Croatian Constitution set great store by equal rights and freedoms and embodied the principle of equality before the law. It also stipulated that any call or instigation to national, racial or religious hatred or any form of intolerance was prohibited and punishable. Article 14 of the Constitution was supplemented by the 2002 Constitutional Law on National Minorities.

32. In order to combat discrimination against the Roma, the Government had adopted a wide national platform with measures for their integration into society. The Decade of Roma Inclusion 2005-2015 had been proclaimed and a national action plan to improve their economic and social status had been adopted.

33. Croatia had become the third State party to the European Convention on Human Rights to agree to be bound by its Protocol No. 12, which prohibited discrimination on any ground for any legally prescribed rights or obligations and had become an integral part of Croatian legislation. That legislation had been reinforced by new laws and by amendments to the Labour Act, shifting the burden of proof back to the respondent in the event of evidence of any form of discrimination in the workplace.

34. The country had three existing ombudspersons — for gender equality, equal treatment of all persons, and children respectively — and the addition of a fourth, to protect the rights of the disabled, was under way. Under the Criminal Code, the public dissemination of ideas of inferiority or superiority based on any difference whatsoever carried a penalty of 3 to 10 months in prison. The aforementioned actions reflected the authorities' determination to create a comprehensive legal framework for the promotion of human rights and the elimination of all forms of discrimination.

35. **Mr. Gregoire** (Dominica), speaking on behalf of the Caribbean Community (CARICOM), said that issues of racism and racial discrimination evoked profound emotion among the people of the CARICOM member States. Having survived centuries of slavery, indentureship and colonialism, they were all too aware of the attendant ills and their lingering effects on the development process. The international community must remain steadfast in its commitment to usher in a new era free of racism, racial discrimination and xenophobia, and the relevant bodies of the United

Nations system must continue to challenge the international community to maintain its focus on those issues.

36. There were, indeed, disturbing signs of a retreat in the struggle against those societal ills. The CARICOM States were alarmed at the growing popularity in some Member States of political parties that were promoting racism and xenophobia and supported the recommendations contained in the report of the Special Rapporteur (A/60/283) regarding discrimination at airports and other borders and racism in sports. They also supported the continuation and expansion of the Special Rapporteur's mandate.

37. Noting the broad range of activities undertaken by OHCHR and the important work of the Group of Independent Eminent Experts on the Implementation of the Durban Declaration and Programme of Action, he particularly commended OHCHR on its support to the Working Group of Experts on People of African Descent, whose 2004 session had focused on racism in employment, health and housing. CARICOM welcomed the Group's decision to conduct country visits for an in-depth analysis of conditions on the ground and looked forward to the report on its fifth session.

38. At the regional level, CARICOM acknowledged the important 2005 workshop held in Brazil and sponsored by the Pan American Health Organization and OHCHR on overcoming discrimination through the effective implementation of the Millennium Development Goals, It encouraged such collaboration among regional and international institutions. It also took note of the important seminar organized in Santiago, Chile, by the Economic Commission for Latin America and the Caribbean (ECLAC) on the indigenous and Afro-descendant peoples of the Americas. Such ECLAC initiatives should in future include a wide range of countries, especially Caribbean countries, home to the largest concentration of Afro-descendant people in the hemisphere.

39. CARICOM supported the provisions of General Assembly resolution 59/176 on the International Convention on the Elimination of All Forms of Racial Discrimination and commended the relevant treaty body on its monitoring of compliance with the Convention and its engagement in the follow-up to the Durban process. CARICOM also supported the speedy implementation of the initiatives contained in General Assembly resolution 59/177 on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive follow-up to the Durban Programme of Action. The international community must continue to ensure that the decisions of Durban were given effect for the benefit of the marginalized, those who were discriminated against because of race and other factors, the formerly colonized and those who still remained under colonial domination. The international community must unite under the banner of equal rights and justice.

40. **Mr. Cardoso** (Brazil) acknowledged the persistence of racial discrimination in Brazil, a multicultural society that contained the largest number of Afro-descendants in the world outside of Africa. Racial inequality and discrimination could be clearly observed in levels of income, literacy rates and the incidence of poverty. For that reason, Brazil understood that a purely universal policy that disregarded disparities among racial groups would merely perpetuate existing inequalities. The Special Secretariat of Policies for the Promotion of Racial Equality, created in 2003, coordinated and implemented the National Policy for the Promotion of Racial Equality adopted in the same year. It had made affirmative action a priority and had established incentives for quotas in universities and the workplace.

41. In 2002, the Ministry of External Relations had implemented an affirmative action programme under which Afro-Brazilians were awarded grants to study for the Diplomatic Academy's entrance examinations. The National Policy also sought to coordinate the various ministries' measures that targeted the Afro-Brazilian population living in poverty, including support for health and housing programmes, as well as capacity-building and access to credit for businesses run by Afro-Brazilians. It also placed particular emphasis on fostering international cooperation for the promotion of racial equality. In that connection, Brazil intended to host a regional conference of the Americas on racism and the follow-up to Durban in 2006 and had sponsored the creation of a working group at the Organization of American States with a view to elaborating an inter-American convention against racism and racial discrimination.

42. His delegation trusted that the Special Rapporteur's recent visit to Brazil had enabled him to appreciate the challenges the country faced in its

promotion of racial equality, and it looked forward to his recommendations. Racial equality could be achieved only with the involvement of State and non-State actors at all levels. Defenders of racial equality were often genuine heroes. In that connection, he paid tribute the late Rosa Parks, who, with her courage and determination had helped write an important page in history.

43. **Mr. Hyassat** (Jordan) said that the right to self-determination was of great importance to the international community in promoting and enhancing friendly relations among States and nations. It embodied the free will and aspirations of peoples to determine their own political status, as well as their economic, social and cultural development. That was the general principle of self-determination, as embodied in the Charter of the United Nations, the International Covenants on Human Rights, the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, and as confirmed most recently in the World Summit Outcome. The same was true of the right to self-determination in colonial situations, in which people remained under alien domination or foreign occupation. That right had been confirmed by the Human Rights Committee and as a rule of customary international law and an *erga omnes* obligation in regional and international case law.

44. Against that backdrop, it was alarming to note that the right of the Palestinian people to self-determination was still being denied by Israel, as the International Court of Justice had pointed out in its advisory opinion on the separation wall. Jordan therefore called on the Government of Israeli to fulfil its obligations under international law and all relevant United Nations resolutions so that the Palestinian people could freely exercise the right to establish their own sovereign State. Fulfilment of those obligations would not only end the violence but also lead to a just and lasting peace agreement in which the two-State solution could become a reality, and Israel and the entire region could enjoy peace and security.

45. **Mr. Meron** (Israel) said that his country's dedication to the fight against racism, prejudice and intolerance was deeply rooted in the Bible and in its Declaration of Independence, and the principle of tolerance, pluralism and acceptance of others was firmly established at all levels of its education system. At the international level, Israel's Holocaust Remembrance Authority, in collaboration with similar foreign non-governmental organizations and Israeli universities, had organized a seminar for the Tutsi survivors of the 1994 Rwandan genocide to help them memorialize the past and use it in their future endeavours.

46. It was therefore troubling that, 60 years after the Holocaust, anti-Semitism was still increasing worldwide, with widespread acceptance in some areas. That vicious phenomenon had re-emerged in the form of violent attacks, burning of synagogues, vandalism, desecration of cemeteries, and rhetoric disguised as anti-Zionism. The Jewish people had not been the target of such extreme intolerance since the end of the Second World War. It was distressing that, after centuries of respectful cohabitation of Muslims and Jews in Islamic countries, anti-Semitism had spread like a plague throughout the Muslim world: highly inflammatory television broadcasts — justifying Holocaust deniers, among other things — inflamed an already frustrated and alienated youth, who then vented their anger on Jews. Something must be done to stop media incitement to such virulent anti-Semitism.

47. Israel applauded the efforts of the Special Rapporteur and other United Nations initiatives to combat that dangerous phenomenon. He cited the Secretary-General's asseveration that a United Nations that was not at the forefront of the fight against anti-Semitism and other forms of racism denied its own history; the inclusion of a condemnation of anti-Semitism in the 2005 General Assembly resolution against religious intolerance; the recent adoption of resolution 60/7 designating 27 January as an annual International Day of Commemoration in memory of the victims of the Holocaust; and the special session of the General Assembly to mark the sixtieth anniversary of the liberation of the Nazi death camps, during which an exhibition on Auschwitz had been organized at Headquarters.

48. **Mr. Ndimeni** (South Africa) said that the follow-up to the Third World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance had proved to be a slow process, and the political will to implement the Durban Declaration and Programme of Action was woefully lacking.

49. The Government of South Africa had recently embarked on a programme of action to take stock of its

own progress towards transforming the country into a truly non-racial, non-sexist and democratic society. That programme would culminate in a conference in December 2005 at which the Government and civil society organizations would: celebrate the tenth anniversary of the Truth and Reconciliation Commission; undertake a critical review of the programme of action adopted at the National Conference on Racism in 2001; celebrate the establishment of the National Forum against Racism in 2003; and seek to strengthen the work carried out by the various State institutions supporting constitutional democracy.

50. South Africa had actively participated in the sessions of the two working groups on the effective follow-up to the Durban Declaration and Programme of Action and appreciated the valuable support provided by OHCHR. Regrettably, the implementation of the outcomes of the working groups had, to date, been virtually nil. However, his delegation looked forward to examining the issues of racism and the Internet and of complementary standards of existing human rights instruments at the high-level seminar to be held in January 2006.

51. His Government commended the proposal by the group of independent eminent experts to establish a racial equality index. It also welcomed the group's idea of a Durban-plus-five review mechanism which would provide an opportunity for stock-taking in the global fight against racism and racial discrimination. In conclusion, he expressed regret at the failure to achieve the universal ratification of the International Convention on the Elimination of All Forms of Racial Discrimination by 2005, as called for by the Durban Conference.

52. **Ms. Davytan** (Armenia) said that the right of peoples to self-determination, a fundamental, universally recognized principle of international law in the Charter of the United Nations and numerous conventions and declarations, entitled all peoples to determine their political status and to pursue freely their economic, social and cultural development. Since 1945, progressive exercise of that right had increased the Organization's membership threefold. However, the principle, despite being universally recognized, had been difficult to implement. Self-determination was often challenged as a threat to territorial integrity or merely a minority issue. Denying it to those who sought it often led to violent conflict.

53. Her Government accepted the importance of territorial integrity, a major principle of international law, but rejected attempts to give it priority over self-determination. There was in fact no hierarchical arrangement of principles of international law: they enjoyed equal standing. Furthermore, human rights — which were paramount, indivisible and interdependent — could not be guaranteed unless the right to self-determination was properly applied. There were no moral or legal grounds for dismissing that inalienable right. What was needed was a balanced framework in which territorial integrity and self-determination could be effectively reconciled with each other on the basis of merit and the individual historical, political and legal background of each case.

54. Azerbaijan's use of the territorial integrity argument in connection with Nagorno Karabakh was a clear — but legally, politically and morally invalid — attempt to create a collision between the two principles described. Nagorno Karabakh had never been part of an independent Azerbaijan, having been forcibly placed under Soviet Azerbaijani rule by an arbitrary decision of Stalin in 1921. Also invalid was the argument that Armenians were merely a minority in Azerbaijan, as despite Soviet Azerbaijan's many minorities, some larger than the Armenian minority, only Nagorno Karabakh, with its 90-per-cent Armenian majority, had been entitled to autonomous status. Under the Soviet Constitution, all such autonomous entities had had the right to secede, a right which the Armenians of Nagorno Karabakh had exercised peacefully on the eve of the downfall of the Soviet Union.

55. A prerequisite for effective realization of the right to self-determination was a mature society able to sustain itself. Nagorno Karabakh had proved its viability by successfully defending itself in the war which Azerbaijan had unleashed against it, by building and sustaining institutions and by holding regular elections, the most recent of which, in June 2005, had been internationally monitored.

56. Her Government was aware that there was no "one-size-fits-all" solution to the complex issue of self-determination, which required intense effort and a commitment to compromise, based on the specificities of each case and current realities. It hoped for success in the Prague Process meetings between the presidents and foreign ministers of Armenia and Azerbaijan. The historic legacy of Stalinist national policy, which had

little respect for the rights and aspirations of the people concerned, must be overcome to ensure lasting peace and stability in the region.

57. **Mr. Aliyev** (Azerbaijan) said that the norms and principles of international law, including the right of peoples to self-determination, were the foundation of his Government's foreign policy and its activities in the international arena. However, it rejected artificial attempts to create contradictions between those norms and principles, particularly the territorial integrity of States and the right of peoples to self-determination. The international documents relating to the right of self-determination, including the 1960 Declaration on the granting of independence to colonial countries and peoples (resolution 1514 (XV)), contained restrictions specifying that the right to self-determination should not be exercised in violation of a State's sovereignty and territorial integrity. A similar restrictive condition appeared in the 1993 Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights.

58. The four resolutions on the conflict between Armenia and Azerbaijan adopted by the Security Council in 1993 reaffirmed respect for the sovereignty and territorial integrity of Azerbaijan. The legal foundation for settlement of the conflict in and around the Nagorny Karabakh region of Azerbaijan proposed by the Organization for Security and Cooperation in Europe (OSCE) confirmed the lack of any clash between the territorial integrity of States and the right of peoples to self-determination. The principles for settlement put forward by OSCE and accepted by all its participating States except Armenia were respect for the territorial integrity of Armenia and Azerbaijan, the highest degree of self-rule within Azerbaijan and guaranteed security for Nagorny Karabakh and all its population.

59. The Committee of Ministers of the Council of Europe had also emphasized the need for the conflict to be settled in a way which respected the rule of law, democracy, human rights, minority rights and the inviolability of frontiers. More recently, in 2005, a resolution of the Parliamentary Assembly of the Council of Europe reiterated that, in occupying a foreign country, a Council of Europe member State was violating its obligations as a member of the organization. The resolutions and decisions described reflected the status of Nagorny Karabakh as part of Azerbaijan. Had it been otherwise, Azerbaijan's qualifications for admission to membership in the United Nations would have been in question.

60. When determining how to settle the conflict, it was important to recognize that the State must be a common home for all its residents, under conditions of equality and with the opportunity to develop their separate group identities if they so wished. However, neither majorities nor minorities were entitled to assert their identity in ways which denied others the opportunity to do the same or led to discrimination against others. Consequently, settlement of the conflict should be based primarily on the restoration and strict maintenance of Azerbaijan's territorial integrity and the preservation and encouragement of the Armenian minority living in that territory.

61. While his Government wished to point out that international law contained no specific mandatory provisions recognizing the right of minorities to self-determination or autonomy, some forms of self-rule were a practical means of ensuring the preservation of a national identity or ethnic group. His Government had repeatedly stated — at the highest level — that it was willing to grant Nagorny Karabakh the greatest degree of self-rule within Azerbaijan.

62. A settlement of the conflict would remain unattainable so long as one party ignored not only the efforts of another party but also the decisions of international forums such as the Security Council, and so long as it persisted in trying to impose on the international community its own interpretations of the norms and principles of international law, including the right of peoples to self-determination. His Government hoped sincerely that the Prague Process would yield positive results and that it would be possible to take advantage of the forward momentum in order to implement the decisions of the Security Council.

63. **Mr. Meron** (Israel), speaking in exercise of the right of reply, said that he felt obliged to comment on the remarks made by a number of delegations the previous day in connection with the Palestinian right to self-determination. In his statement at the 2005 World Summit, Israeli Prime Minister Ariel Sharon had stated that the Jewish people's right to the Land of Israel did not mean disregarding the rights of others in the land. Israel respected the Palestinians, its neighbours, had no aspirations to rule over them, and asserted that they were entitled to freedom and to a national, sovereign existence in a State of their own. Israel had recognized

the legitimate rights of the Palestinian people 25 years previously, within the framework of the Camp David Accords. Since then, it had entered into further agreements, all aimed at an end to the conflict and implementation of those rights.

64. A window of opportunity for the region had been established in 2005 with the Sharm el-Sheikh summit and the Gaza disengagement plan. The pursuit of Palestinian self-determination depended on the Palestinian Authority's willingness to complete its first obligation under the road map, namely, to dismantle terrorist infrastructure and collect illegal weapons. It was unclear why that was not taking place. Having spent most of their modern history defending the right to self-determination in their ancient homeland, the Jewish people, who supported the right to self-determination of peoples in general and their Palestinian neighbours in particular, expected from those Palestinian neighbours a de facto and de jure recognition of their own right to self-determination. Unfortunately, statements such as that delivered the day before by the observer for Palestine contradicted that principle. By using inflammatory rhetoric, the Palestinians neither supported dialogue and confidence-building nor served their own ambitions for self-determination.

65. His Government called on the Committee to recognize and support the positive advances of recent months, particularly the disengagement of every Israeli soldier and every civilian from the Gaza Strip and four settlements in the northern West Bank. It hoped that those efforts would lead to a two-State solution so that Israelis and Palestinians could live side by side in peace and security.

66. **Mr. Hijazi** (Observer for Palestine), speaking in exercise of the right of reply, said that racism and racial discrimination against Palestinians were Israeli policies clearly practised and meticulously enforced on the ground. Israel could not therefore escape responsibility for discriminating against Palestinians in the occupied Palestinian territories and against its non-Jewish citizens, including indigenous Palestinians. Israel should respect the International Convention on the Elimination of All Forms of Racial Discrimination, of which it was a signatory.

67. While in both policy and practice the Palestinian leadership opposed all attacks against civilians from both sides, the State of Israel planned, facilitated and executed such attacks, including extrajudicial executions of Palestinian activists and political figures which often injured and killed innocent bystanders. The Palestinian leadership had secured an agreement to declare and adhere to a unilateral ceasefire, yet the occupying Power had insisted on provoking and invoking violent reactions — such as in the case of the Hadera attack, which the Palestinian leadership had condemned — and had killed over 120 Palestinians and arrested over 2,000 others. It was unreasonable to expect such reactions to stop while the Israeli military machine continued to wreak havoc in Palestinian cities.

68. With regard to the disengagement from the Gaza Strip, half-truths were not convincing arguments. While the Palestinian leadership and people had welcomed the unilateral Israeli withdrawal as they would have any withdrawal from any part of the Occupied Palestinian Territory, the international community must not be misled. The disengagement was positive in setting a precedent, but it had come 38 years too late and left the Gaza Strip's 1.3 million inhabitants prisoners, denied access to the rest of the Occupied Palestinian Territory and the rest of the world. The Israeli Government often conveniently omitted from its discussion of the disengagement the fact that the occupation forces maintained effective control over land, sea and air access to the Gaza Strip. According to international law, the Gaza Strip therefore remained occupied, and Israel was still obliged to fulfil its obligations as an occupying Power. The problem remained Israel's contempt for the most basic human rights of the Palestinian people and its disregard for international law, including human-rights and humanitarian law, and scores of Security Council and General Assembly resolutions. Only when Israel recognized Palestinian rights through actions rather than hollow statements would peace reign in the region.

Agenda item 39: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (*continued*) (A/60/12 and Add.1, 276, 293, 300 and 440)

69. **Mr. Udovenko** (Ukraine) said it was satisfying that marked progress had been made in resolving the refugee situation in Africa in 2004. However, in view of the continuing conflict and human rights abuses around the world, his delegation fully supported the

proposals made by the Secretary-General in his report (A/59/2005) and was committed to the reform of the humanitarian response system.

70. In recent months, a series of tragic events had served as a warning of the hazardous situation affecting migrants in many countries. In the final analysis, migration policy and procedures should focus on respect for human rights, human dignity and the physical and mental integrity of the persons involved.

71. His delegation commended the work of UNHCR in preserving access to asylum for those with a well-founded fear of persecution. The signing of implementation agreements with over 600 non-governmental organizations, of which a large percentage were national organizations including several in Ukraine, was a remarkable achievement. His country was ready to assist UNHCR in establishing appropriate guidelines to build the capacity of national non-governmental organizations to respond effectively to protection and assistance needs in its field operations in Ukraine.

72. Although Ukraine had come under scrutiny as a source and transit country for irregular migrants in recent years, Ukrainian authorities had made significant efforts to harmonize corresponding legislation and promote cross-border cooperation in the region. Ukraine had been developing relations with the European Union, and since May 2004, Poland's boundary with Ukraine had been secured as the Union's eastern border in line with Schengen requirements. It was hoped that the European Union Neighbourhood Policy would facilitate Ukraine's participation in European Union policies and programmes. As Ukraine lacked financial resources for the social protection of its own citizens, let alone asylum-seekers and refugees, it was looking forward to advancing the EU-Tacis Project "Strengthening asylum systems in Ukraine and Moldova".

73. Archbishop Migliore (Observer for the Holy See), speaking on agenda item 39, said that despite the recent decline in the number of refugees, the total population of concern to UNHCR had increased to 19 million and the scale of that phenomenon merited international attention.

74. UNHCR had recently underscored its role as a protection agency. Given that each individual State had the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity, that concept had rightly gained acceptance for humanitarian reasons. Protection of those in distress and assistance to them naturally required lucid analysis and a public awareness of the causes of humanitarian crisis; but crises, by their very nature, demanded swift action and predictable funding. The concept of protection had long-term consequences as it implied more than mere defence from outside hostile forces. It covered the whole spectrum of human rights of those forced to flee, and those rights remained constant during all phases of repatriation, reintegration, rehabilitation and reconstruction. Protection also involved safeguarding a person's physical security and the full enjoyment of rights; creating a safe environment, especially for women, children, the elderly and the disabled; and assuring adequate nutrition.

75. Sustained voluntary repatriation was not only a matter of guaranteeing the return of refugees in safety and dignity but raised the issue of post-conflict reconstruction and establishing an effective link between humanitarian relief and sustainable development.

76. The inability to address internal displacement was now considered the single biggest failure in the humanitarian action of the international community. Protection needs were not related to whether borders were crossed or not. A reliable system, embedded in an appropriate institutional framework, could play an effective role in responding to the security and protection needs of the internally displaced and in helping local authorities fulfil their responsibility towards them.

77. Any peacebuilding process should provide adequate funding for the repatriation of returnees, both for the sake of the returnees themselves and to maintain the standards set by UNHCR.

78. **Mr. Tesfu** (Ethiopia), speaking on agenda item 39, said that as a signatory to all United Nations and African Union refugee conventions and on account of its traditional open-door policy, his country was currently hosting more than 100,000 refugees in seven refugee camps.

79. The magnitude of the refugee problem in Africa was a strong reminder to Africans of the need to work relentlessly to foster peace, stability, democracy and economic development throughout the continent, and it was therefore encouraging to note the peace initiatives

currently taking place under the auspices of the African Union and subregional organizations. A prime example was the agreement signed between the Government of the Sudan and the Sudan People's Liberation Army/Movement (SPLA/M), which had paved the way for a possible solution to the problem of Sudanese refugees. His Government, in collaboration with UNHCR, had already started the registration of Sudanese refugees in the camps with a view to their eventual repatriation to southern Sudan. He stressed the importance of implementing the peace agreement for Sudanese refugees, as the reintegration programme would require a stable situation.

80. Over the next few years, the repatriation and reintegration of refugees and internally displaced persons to their countries of origin would be one of the main challenges confronting the African continent. Given that sustainable development was inextricably linked to successful repatriation and reintegration, development partners should give due attention to the process of longer-term reconstruction once emergency humanitarian assistance had been dispensed.

81. His delegation strongly believed that the Convention Plus initiative would contribute considerably towards successful voluntary repatriation and durable reintegration. However, it was concerned about the decrease in programme funding which had affected the quality of services provided to refugees. The current budget cuts had had an impact on the already underfunded operations at field level, making the lives of refugees in some African countries, including Ethiopia, extremely difficult. His delegation therefore called upon the international community to respond generously to calls for funding and expressed its support for a needs-based approach to assistance.

82. Reiterating his country's commitment to the continued hosting of refugees and displaced persons, he referred to national legislation that had been enacted in 2004, based on the principles of the Convention on the Status of Refugees (1951) and its Protocol (1967), as well as the Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa.

83. **Mr. Dall'Oglio** (International Organization for Migration), speaking on agenda item 39, said that the confusion between migration and asylum issues, referred to by the High Commissioner for Refugees in his report (A/60/12), reflected the growing difficulty to distinguish, at times, between forced and voluntary migration. Reduced access to asylum systems, restrictive immigration policies and strengthened border controls often forced both migrants and refugees to use similar modes of travel and methods of entry; they even resorted to the same unscrupulous trafficking and smuggling networks. Preserving an effective asylum regime was therefore linked to the mutual reinforcement of migration and asylum law and practice. UNHCR and the International Organization for Migration (IOM) were working jointly in that area and had organized a regional seminar on properly managed migration in Trinidad and Tobago in October 2005 which was an example of inter-agency coherence.

84. However, inter-agency coherence in addressing migration required a larger framework and IOM shared the view of the High Commissioner that the inter-agency coordination mechanism provided by the Geneva Migration Group had already proved its usefulness for consultation and coordination among the six heads of agency based in Geneva and Vienna. IOM was ready to support its expansion and consolidation, including the participation of other United Nations development and social partner agencies, to ensure that the Group would become a broader inter-agency coordination tool on migration issues.

85. Another area of significant cooperation between the two agencies was the massive displacement in humanitarian situations. The "cluster approach", endorsed by the Inter-Agency Standing Committee had been adopted to guide the inter-agency response to the earthquake in south Asia, and IOM had been entrusted with the role of cluster leader in the area of emergency shelter. In the past year, IOM and UNHCR had collaborated on voluntary repatriation in southern Africa and third-country resettlement from central Asia and had developed complementary responses to the needs of the suffering people in Darfur. IOM looked forward to forging an even stronger working relationship with UNHCR with the overall goal of maximizing the benefits of migration, while enhancing the protection of refugees within the broader migration context.

The meeting rose at 5.35 p.m.

United Nations A/C.3/60/SR.38

General Assembly
Sixtieth session

Official Records

Distr.: General
29 November 2005

Original: English

Third Committee

Summary record of the 38th meeting
Held at Headquarters, New York, on Thursday, 10 November 2005, at 10 a.m.

Chairman: Mr. Butagira ..... (Uganda)

Contents

Agenda item 39: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (*continued*)

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

05-59732 (E)

The meeting was called to order at 10.10 a.m.

Agenda item 39 : Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (*continued*) (A/60/12 and Add.1, 276, 293, 300 and 440 and Corr.1)

1. **Mr. Kruljevic** (Serbia and Montenegro) said that his country continued to provide shelter to a large number of refugees from Croatia and Bosnia and Herzegovina. While many had acquired citizenship, much remained to be done to ensure their full integration. The Government planned to make the integration of refugees a priority and called upon the international community to provide financial assistance for that purpose.

2. Although progress had been achieved in the field of repatriation, Croatia had not fully implemented the agreed measures on housing, property repossession and reconstruction. Serbia and Montenegro had long advocated close cooperation with Croatia and Bosnia and Herzegovina regarding refugees and was fully committed to solving the remaining issues by the end of 2006, as outlined in the Sarajevo Declaration of Friendship and Partnership. The Government had submitted its road map to the Government of Bosnia and Herzegovina and urged Croatia to do the same.

3. In addition to the refugee population, there were some 250,000 internally displaced persons (IDPs) in Serbia and Montenegro. Six years after the deployment of the United Nations Interim Administration Mission in Kosovo (UNMIK), none of the necessary conditions for the safe return of IDPs to Kosovo and Metohija had been achieved. Non-Albanians in the province continued to be attacked on ethnic grounds and did not enjoy freedom of movement. They faced discrimination in virtually all spheres of life and had no access to employment or social and health services. As a result, more Kosovo Serbs were leaving Kosovo than returning there and an increasing number of returnees were selling their property and leaving again.

4. The authorities in Serbia and Montenegro remained concerned about the forced return of refugees from certain Western countries on the basis of agreements with UNMIK. Since the necessary conditions did not exist for such individuals to return to their homes, they became displaced within Serbia and Montenegro.

5. Finally, although the majority of IDPs opted for return, the Government had taken measures to integrate those who wished to stay and to ensure respect for their human rights and freedoms while they remained displaced.

6. **Mr. Shin** Kak-soo (Republic of Korea) said that his delegation remained concerned about protracted refugee situations in many parts of the world. It welcomed the efforts of the Office of the United Nations High Commissioner for Refugees (UNHCR) to augment its protection role and called upon the international community to provide UNHCR with the resources needed to facilitate population resettlement and provide timely humanitarian support. It also hoped that UNHCR would coordinate with other stakeholders on gender equality, the care of refugee children, reproductive health and community development.

7. While the situation of IDPs was of increasing importance, UNHCR must not neglect its primary mandate of protecting refugees. It was gratifying that UNHCR was striving to increase its organizational efficiency through targeted planning, results-based management, strengthened oversight and improved accountability.

8. His delegation recognized the growing need for UNHCR to improve its response to emergency refugee situations and to step up its efforts in such areas as staff training, the establishment of early warning systems, and rapid deployment. It called upon all parties to the Convention and the Protocol relating to the Status of Refugees to comply with their obligations and to demonstrate political will and solidarity in sharing burdens and responsibilities.

9. **Mr. Elbashir** (Sudan) said that the Sudan had hosted many refugees in the past and would continue to do so despite the economic and social costs, but it also wished to see evidence on the ground of implementation of the principle of burden-sharing among host countries, UNHCR and the international community. Burden-sharing was particularly urgent given the chronic assistance shortfalls, the phased withdrawal of UNHCR, and its application of the cessation of hostilities to Eritrean refugees.

10. His Government called on UNHCR to implement a repatriation programme to help organize the voluntary return of Sudanese refugees to the south after the end of decades of warfare to ensure that the Comprehensive Peace Agreement would not be

endangered. The assistance already provided in that regard was appreciated, as was the humanitarian aid supplied in the face of severe security and humanitarian challenges to refugees and IDPs as a result of the Darfur crisis.

11. The agreement allowing humanitarian access to Darfur and the monitoring and coordination mechanism agreement signed with the International Organization for Migration in August 2004 had facilitated the flow of aid. It was hoped that the next round of negotiations under the aegis of the African Union would yield a final settlement before the end of the year, which would allow the work of mending the social fabric of Darfur to begin in earnest. He commended the work of UNHCR and of international donors in ensuring that the necessary resources reached the parts of the world where they were needed. However, tighter coordination was required between UNHCR and other United Nations agencies to link refugee programmes with repatriation and development strategies that would better enable refugees to resume their normal lives.

12. **Mr. Adekanye** (Nigeria) said that his Government was pleased to note the various repatriation exercises carried out by UNHCR, including the repatriation of some 7,000 Nigerians from Cameroon. As repatriation was the preferred durable solution to the refugee problem, it urged UNHCR to carry out pending repatriation exercises quickly and to ensure that the returns were sustainable.

13. The shortfall in the UNHCR 2005 budget had had a negative impact on refugee protection activities, particularly in Africa. UNHCR had warned that the repatriation and reintegration of Burundians would have to be reduced or even suspended, which would raise serious questions about the commitment of the international community to share the responsibility of caring for refugees. Many African countries had shown great generosity by hosting large refugee populations, and the international community was urged to support the High Commissioner's efforts by providing more funds for refugee protection and assistance.

14. His Government was concerned about reported incidents of attacks on refugees, human rights abuses and the increasing number of restrictive policies and barriers that prevented refugees and asylum-seekers from receiving international protection. In particular, it condemned the establishment of refugee processing centres in parts of Africa and urged countries that had been asked to consent to such a containment policy to bear in mind their obligations under international refugee and human rights instruments. It was also alarmed at the deteriorating security conditions in refugee camps in Africa as a result of increasing flows of small arms and light weapons and hoped that the creation of the post of Assistant High Commissioner (Protection) would strengthen UNHCR efforts to address the issue.

15. The increase in the number of IDPs worldwide was regrettable. UNHCR played the role of coordinator for clusters related to the protection, camp management and shelter of IDPs in conflict situations. There was a need for continued consultations to elaborate other steps, including how the decision to intervene would be made and by whom.

16. Nigeria itself had endeavoured to provide food and financial assistance to some 6,000 refugees in the Oru camp and had approved a donation of food and other critical supplies through its national emergency management agency. The Government had also allocated funds for the construction of urgently needed facilities at the camp. The peacebuilding commission would enhance current efforts to protect refugees and to achieve peace in conflict situations. It remained for UNHCR to promote the engagement of all relevant actors in a collaborative manner and to continue its current efforts to achieve peace and security not only in West Africa but throughout the continent.

17. **Ms. Laohaphan** (Thailand) said that her Government was pleased that UNHCR policies continued to promote durable solutions to the refugee problem, including the mainstreaming of the Convention Plus activities. It had been involved in the Convention Plus consultations from the start and was confident that a more systematic and situation-specific approach would be a useful tool in solving protracted situations. It hoped that the enhanced cooperation of UNHCR with other development actors and regional organizations would strengthen the capacity of countries to address the root causes of migration.

18. The increasing number of people displaced as a result of natural disasters worldwide was a cause of great concern. UNHCR was in the best position to render assistance in complex humanitarian situations, and its expertise in designing and implementing contingency plans for large-scale emergency situations could provide a blueprint for action. It was important

that it should receive the resources necessary for its protection and assistance functions. With respect to management, UNHCR should continue to keep its role and standards under review.

19. UNHCR had played an important supporting and facilitating role in consultations in the Asia-Pacific region, with a view to promoting understanding and reinforcing cooperation at the practical and technical level. Her country was proud to have worked with the Office for 30 years in various refugee crises.

20. **Ms. Ataeva** (Turkmenistan) said that, thanks to the humane policies of the President of Turkmenistan, nationals of Tajikistan, Afghanistan, Azerbaijan and other countries who for various reasons had been forced to leave their homes had found a second homeland in Turkmenistan. The necessary conditions had been created for refugees to lead a normal and decent existence, including the provision of apartments, employment opportunities and plots of land for farming, as well as access to schools, hospitals and other social institutions.

21. The UNCHR office in Turkmenistan had worked with her Government to develop national legislation in the area of humanitarian law, including legislation on refugees adopted in 1997. Turkmenistan was an active party to many international agreements on refugees, including the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. Her Government had also signed an agreement with UNHCR in 1998 which gave added momentum to their cooperative relations. Furthermore, a centre for humanitarian law had been established.

22. Other legislation included presidential decisions on procedures for granting refugee status and on the establishment of a State agency to register foreign nationals, which would be directly involved in refugee matters. In 2004, her Government had developed a programme with UNHCR to conduct a statistical survey and registration of Tajik refugees. The programme included workshops for Ministry and agency officials involved in refugee issues, technical assistance and visits by Government authorities and UNHCR officials in Turkmenistan to places of residence of refugees, where registration was carried out.

23. In April 2005, her Government had announced the decision of the President to grant citizenship to refugees during a visit of the Director of the UNHCR Bureau for Central and South-West Asia, North Africa and the Middle East. In August 2005, more than 16,000 refugees had been granted Turkmen citizenship and permanent residence permits. Her Government would continue to devote its attention to the issue of refugees, actively cooperate with UNHCR in that area and fulfil its obligations under the relevant international instruments.

24. **Ms. Mladineo** (Croatia) said that her Government appreciated the work of the UNHCR office in Zagreb in facilitating durable solutions following the Dayton Agreement and strengthening the protection of asylum-seekers and emergency preparedness in Croatia, including technical assistance on refugee legislation and training of law enforcement officers and judges. Her Government was a party to the relevant international instruments and had enacted national legislation on public housing to improve the situation of refugees and displaced persons. Her Government had undertaken several activities to facilitate the return of refugees and IDPs, including the reconstruction of damaged and destroyed housing and basic infrastructure, mine clearance and economic recovery initiatives. It had also launched several public information campaigns in conjunction with UNHCR and the Organization for Security and Cooperation in Europe in order to create a favourable atmosphere for return.

25. Since the beginning of the process of return in 1995, some 335,900 returnees had been registered, including approximately 118,000 ethnic Serbs. The remaining number of potential returnees was estimated at around 20,000. As to IDPs, there remained approximately 3,600 Croats and 1,700 Serbs, the majority of whom were waiting to return to the Vukovar region.

26. Her Government supported the recommendations of the Representative of the Secretary-General on the human rights of internally displaced persons, who had visited Croatia in June 2005, and it emphasized the need to eliminate prejudices towards returnees among local communities, further strengthen economic development and provide employment incentives.

27. The Governments of Croatia, Bosnia and Herzegovina and Serbia and Montenegro had signed a declaration in Sarajevo in January 2005 stating their wish to complete the refugee return process by the end of 2006. Her Government had adopted a road map with

clearly defined activities and deadlines and allocated €300 million to implement the declaration.

28. Although Croatia had made significant progress on the issue of refugees and IDPs, it still faced challenges, mostly involving economic obstacles. Her Government was making every effort, however, to meet the needs of returnees, particularly in relation to their safety, dignity and well-being.

29. **Mr. Singh** (India) noted that, despite the return of more than 2.5 million refugees to Afghanistan in 2004 and the resolution of some of the most protracted refugee situations in Africa, the total population of concern to UNHCR, including refugees, asylum-seekers, returnees and internally displaced persons, had grown by over 2 million. His delegation welcomed the initiatives of the High Commissioner to deal with the ongoing and new situations of refugees. As part of the Agenda for Protection, there should be a balanced approach to every one of the six goals identified. The "repatriation, reintegration, rehabilitation and reconstruction" approach needed to be further strengthened. His delegation would also like to see an assessment of the pilot programmes already initiated under that approach.

30. IDPs were first and foremost the responsibility of Member States, and UNHCR should intervene only in situations where it was explicitly requested to do so by the Member State concerned. There must be no duplication in responsibilities in that area between the different humanitarian pillars of the United Nations.

31. Current refugee movements occurred primarily in developing countries, which bore the main burden of hosting and protecting refugees. Therefore, their concerns needed to be recognized and addressed to a far greater degree than at present. The search for durable solutions to refugee problems would remain elusive until the fundamental factors that gave rise to refugee movements, such as poverty, were addressed. Development objectives, including the Millennium Declaration Goals, must underpin international efforts to ensure prevention and meet the relief and rehabilitation needs of refugees. The UNHCR mission must be based on the principles of solidarity, responsibility and burden-sharing. Developing countries of origin should be given assistance to facilitate voluntary repatriation — the best and most durable solution — particularly in the creation of economic opportunities for returning refugees.

32. The 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto did not address the phenomena of massive refugee flows and mixed migration. Without adjustments to deal with such realities, countries such as India would continue to find it difficult to accede to the present legal framework. Nevertheless, India remained committed to hosting refugees and extending superior protection to that in many highly developed countries. Refugees were able, inter alia, to buy property, engage in business and send their children to State schools.

33. **Ms. Adjalova** (Azerbaijan) said that her Government had made the refugee problem in Azerbaijan a priority issue owing to its unprecedented scale, long duration and the heavy burden that it placed on the country. Azerbaijan had cooperated closely with UNHCR over the years to address the challenges arising from displacement. The High Commissioner's visit to Azerbaijan in 2004 had been an excellent opportunity to review the involvement of UNHCR in the country and had certainly enhanced the level of cooperation. Her Government had continued to work with the international community over the past year to improve the living standards of displaced persons in the country, particularly the most vulnerable groups, through the implementation of temporary integration initiatives.

34. Both UNHCR and the Office for the Coordination of Humanitarian Affairs (OCHA) had recently conducted a mission to Azerbaijan to assess the situation of IDPs there and to identify how to support the Government's efforts to find durable solutions. Their final report revealed a number of gaps and made recommendations on how to ensure better coordination on the ground. International actors, led by UNHCR, must henceforth translate those recommendations into concrete actions.

35. The response of the international community to the issue of internal displacement still left many questions unanswered and the collaborative approach chosen to address the needs of IDPs had a number of gaps in terms of coordination and protection. The wide experience of UNHCR in international refugee protection might be extremely useful for its involvement in situations of internal displacement since, in many cases, IDPs faced the same suffering and problems as refugees. Some of the initiatives and programmes elaborated by UNHCR for refugees — particularly programmes of repatriation, reintegration,

rehabilitation and reconstruction — might therefore also be applied to situations of internal displacement.

36. **Ms. Kornelíouk** (Belarus) said that international migration was a challenge requiring the concerted efforts of the international community. Belarus was taking the necessary measures to address issues related to migration and refugees both nationally and in cooperation with the relevant international organizations. Within the framework of international technical assistance projects, UNHCR representatives in Belarus were successfully tackling various important issues, including through the establishment of a modern asylum system in the country and a centre for the temporary settlement of refugees in Vitebsk. In cooperation with the International Organization for Migration, a programme had been developed to combat trafficking in people until the year 2009.

37. The Government of Belarus had established a comprehensive and effective system for the legal and social protection of forced migrants. It was also successfully implementing legislation on refugees in full compliance with international standards. The main aims of the national migration policy were to implement migration legislation effectively, improve the management of migration procedures and develop cooperation with interested States as well as with the relevant international intergovernmental and non-governmental organizations.

38. Belarus was a member of a number of regional and subregional forums devoted to cooperation in the field of migration. It actively supported the new system of dialogue and cooperation between countries of the Commonwealth of Independent States (CIS) and international organizations, which should be the logical continuation of the process of the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States (CIS Conference). However, the success of the new process would largely depend on the degree of participation in it by the countries of the European Union and the international financial institutions.

39. **Mr. Elbadri** (Egypt) said that UNHCR should not only devote itself to humanitarian aid for refugees but also apply its expertise to the peaceful resolution of the armed conflicts that were the root cause of the worsening refugee problem. It should also devote more attention to the problems encountered by refugees after voluntary return.

40. Egypt welcomed the universalization of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. However, while there had been progress towards more equitable burden-sharing, UNHCR field programmes needed more timely funding with fewer earmarking restrictions. The lion's share of the world's refugees were taken in by developing and less developed States that needed technical and financial assistance to enhance their capacities to protect refugees for sustained periods, thereby forestalling secondary movements. But efforts to combat irregular migration should never infringe on human rights, and Egypt called for international support for efforts by UNHCR to make sure that refugees were covered by international law no matter what their circumstances. Egypt also supported the Convention Plus initiative.

41. His Government would continue to support the activities of UNHCR and to fulfil its humanitarian responsibility towards refugees in Egyptian territory, whose numbers far exceeded those officially registered with UNHCR.

42. **Mr. Hyassat** (Jordan), after welcoming the decision to create the post of Assistant High Commissioner for Protection, stressed the importance of enhancing cooperation among States, UNHCR and all relevant agencies and organizations in order to address the plight of refugees more effectively. In that regard, he welcomed the World Summit Outcome reaffirmation of the principle of solidarity and burden-sharing in support of host countries.

43. Following the Economic and Social Council consensus decision on the subject, his country was taking the necessary steps to become a member of the Executive Committee of the Programme of the High Commissioner for Refugees. Accordingly, his delegation would introduce, on behalf also of Portugal, a draft resolution which would increase the membership of the Executive Committee by two and request the Economic and Social Council to elect the additional members. Membership would enhance long-standing relations and cooperation between Jordan and UNHCR as well as its ability to address the issue of refugees.

44. **Mr. Hussain** (Pakistan) said that it was important to prevent conflicts and to make post-conflict areas safe for the return of refugees. His delegation hoped

that the new Peacebuilding Commission would go a long way towards pre-empting humanitarian catastrophes.

45. Pakistan, although a developing country, had 17 per cent of the word's refugee population. Moreover, UNHCR spent only 25 cents on each refugee in Pakistan. The importance of burden-sharing could therefore not be overemphasized and the international community should provide the necessary assistance. In the meantime, Pakistan was developing a viable mechanism for the return of refugees to Afghanistan through a project that would provide support for their reintegration on a sustainable basis.

The meeting rose at 11.45 a.m.

United Nations A/C.3/60/SR.39

General Assembly
Sixtieth session
Official Records

Distr.: General
8 December 2005

Original: English

Third Committee

Summary record of the 39th meeting
Held at Headquarters, New York, on Thursday, 10 November 2005, at 3 p.m.

Chairman: Mr. Butagira ..... (Uganda)

Contents

Agenda item 71: Human rights questions (*continued*)

(a) Implementation of human rights instruments (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

05-59738 (E)

The meeting was called to order at 3.10 p.m.

Agenda item 71: Human rights questions (*continued*)

(a) Implementation of human rights instruments (*continued*) (A/C.3/60/L.24 and L.26)

Draft resolution A/C.3/60/L.26: International Covenants on human rights

1. **Mr. Makarowski** (Sweden) introduced the draft resolution on behalf of the original sponsors, including the Nordic countries, and said that the text was very similar to the one adopted on the same subject two years before but contained some new elements. Paragraph 2 now contained a reference to the new States parties to the International Covenants and Protocols; paragraph 5 referred to the mandate of the new Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; paragraph 6, dealing with the derogation from human rights obligations, had been modified to bring the language into line with recent developments in the Commission on Human Rights; paragraph 23 referred to the open-ended working group of the Commission on Human Rights and, as in the previous resolution, encouraged all parties to participate actively in its work; and paragraph 27 no longer asked the Secretary-General for a report of the status of the Covenants and Optional Protocols, but requested him to keep the General Assembly informed of the status of the relevant instruments, including all reservations and declarations, through the United Nations websites.

2. Despite all efforts, a small number of issues remained outstanding, but discussions would continue with the delegations that had expressed concerns about the current text in order to find solutions satisfactory to everyone. He hoped that the draft resolution would be adopted by consensus.

3. **Mr. Khane** (Secretary of the Committee) announced that El Salvador and the Republic of Moldova had become sponsors of the draft resolution.

Draft resolution A/C.3/60/L.24: Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law

4. **The Chairman** said that the draft resolution contained no programme-budget implications.

5. **Mr. Muñoz** (Chile), speaking on behalf of the original sponsors and those announced at the 29th meeting, said that the Basic Principles and Guidelines were not legally binding but rather identified mechanisms and procedures for the effective implementation of existing legal obligations under international human rights law and international humanitarian law. They would serve as a guide and useful tool for victims and their representatives, as well as for States in the design and implementation of their own public policies on reparations. They were sufficiently flexible to leave a wide margin for manoeuvre in their implementation by States.

6. In the past, the main focus of the international community had tended to be on those who committed violations, and victims had been overlooked. The Basic Principles and Guidelines specifically provided that the resources to which the victims were entitled included not only access to justice but also to reparations, which could take various forms. The primary objective of reparation was to restore dignity to the victims, which was the only sound basis for building a just and democratic society. The sponsors were confident that the adoption of the Basic Principles and Guidelines would constitute a milestone in the fight against impunity by stressing the principle of accountability for violations of international human rights law and international humanitarian law. They hoped that the draft resolution would be adopted by consensus.

7. **Mr. Khane** (Secretary of the Committee) announced that Albania, Armenia, Croatia, the Dominican Republic, Haiti, Iceland, Japan, Kenya, Liechtenstein, Luxembourg, Monaco, Sierra Leone, the former Yugoslav Republic of Macedonia and Venezuela (Bolivarian Republic of) had also joined the sponsors.

8. **The Chairman** invited delegations that wished to explain their position on the draft resolution to do so.

9. **Mr. Manhotra** (India) said that his country was considering the introduction of provisions pertaining to

the right of remedy and the right to reparations for victims of human rights violations.

10. **Ms. Kohli** (Switzerland) said that the Basic Principles and Guidelines marked a step forward in the area of human rights and were the culmination of long and difficult work.

11. **Mr. Bertoux** (France) said that the issue of impunity of human rights violators had long been of interest to his delegation. The Basic Principles and Guidelines were the result of 15 years' work and made a clear distinction between human rights and humanitarian law while respecting the specific nature of each category of law. Although they took account of international law, including the International Criminal Court, they did not go beyond the obligations of each State to the treaties it had freely ratified, and they gave States a wide margin of manoeuvre to attain the stated objectives. From a legal standpoint, the principles broke new ground because they gave a concise list of the obligations of the actors concerned in the event of human rights and humanitarian law violations. They also reflected a change in perspective, concentrating rather on the victims than the State.

12. **Mr. Artucio** (Uruguay), speaking on behalf of the Southern Common Market (MERCOSUR), said that the Basic Principles and Guidelines allowed Member States to clarify the scope of the right of victims to reparations and to identify the mechanisms to facilitate implementation of their current international obligations. They did not create new obligations and many States in the region had already used them as a guide for initiatives and policies.

13. **Ms. Hart** (Canada) said that her country welcomed the fact that the Basic Principles and Guidelines had incorporated a victim-oriented perspective. Without creating new international or domestic legal obligations, they provided a helpful guide to States regarding existing modalities for the implementation of existing legal obligations under international human rights and humanitarian law. Changes had been made to the text in order to clarify that there was no right to a remedy for acts that had not been violations of international law at the time they occurred.

14. **Ms. Zack** (United States of America) said that the non-binding instrument in question embodied respect for the rule of law and the principle of accountability for gross human rights violations and serious violations of the law of armed conflict. The document was an important statement condemning impunity and underscoring the importance of righting legal wrongs, and it therefore merited support. With respect to the fifth preambular paragraph of the Basic Principles and Guidelines, the United States would have preferred language highlighting that non-States parties to the Rome Statute of the International Criminal Court had no legal obligations in connection with that treaty, unless otherwise directed by the Security Council. That said, her delegation noted the important provision recognizing that international human rights law and international humanitarian law were separate bodies of law and the provision stating that the Basic Principles and Guidelines were without prejudice to special rules of international law (para. 26). Her delegation also wished to underscore that the Basic Principles and Guidelines created no legal obligations and were phrased in such a way as to provide States with wide flexibility regarding modalities and mechanisms for implementing existing international law obligations applicable to each State.

15. **Mr. Montwedi** (South Africa) welcomed the Basic Principles and Guidelines, which were long overdue. His delegation recognized that international human rights law was premised on the principle of protection and on the notion that where violations did occur there must be adequate remedies for the victims. Most of the provisions contained in the Basic Principles and Guidelines had already been incorporated into South Africa's domestic legislation; his Government would work hard to assimilate the rest. The Basic Principles and Guidelines would greatly contribute to combating impunity for grave human rights violations, and it was therefore gratifying that the draft resolution was very likely to be adopted by consensus.

16. **Ms. Dempster** (New Zealand) emphasized that the Basic Principles and Guidelines did not create any new international or domestic legal obligations, were non-binding and would not introduce any new principles of international law. Her delegation was nonetheless convinced that they would be a valuable reference for States and therefore welcomed their adoption.

17. *Draft resolution A/C.3/60/L.24 was adopted.*

18. **Ms. Beinhoff** (Germany) said that her Government continued to attach the highest political

importance to the issue of reparation. However, even if not breaking the consensus, it wished to uphold the views it had expressed in its explanation of vote at the sixty-first session of the Commission on Human Rights.

19. **Ms. Mortenson** (United Kingdom) said that the United Kingdom had been pleased to sponsor the draft resolution, but wished to make a statement concerning its understanding of the text. In his report on the third consultative meeting (contained in E/CN.4/2005/59), the Chairperson-Rapporteur had made it clear that the revised Principles and Guidelines did not introduce new principles of international law (ibid., para. 10). His interpretation was clearly correct: the Principles and Guidelines were not legally binding and did not create any new obligations on States in international law. Her delegation was nonetheless convinced that the Basic Principles and Guidelines would be an extremely valuable tool for States when they were considering policies on remedies and reparation, and it therefore welcomed their adoption.

20. **Mr. Muñoz** (Chile) thanked all those delegations that had supported the draft resolution, which was so important for human rights. It had been a very long but participatory and transparent process that had involved Member States, experts, non-governmental organizations and other international organizations. The Basic Principles and Guidelines, which he agreed were long overdue, would be a very useful tool in preventing impunity and promoting human rights, and he therefore welcomed the consensus reached.

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/60/L.28, L.30, L.34-L.37, L.40, L.44 and L.58)

Draft resolution A/C.3/60/L.34: Human rights and unilateral coercive measures

21. **Mr. Mohd Radzi** (Malaysia), introducing the draft resolution on behalf of the States members of the Non-Aligned Movement and China, said that certain States continued to take unilateral coercive measures contrary to international law and the Charter of the United Nations. Such measures had negative repercussions for developing countries and created additional obstacles to the full enjoyment of human rights. They also created obstacles to trade relations among States, impeded the full realization of social and economic development and hindered the well-being of the population in the affected countries, with particular consequences for women, children, adolescents and the elderly.

Draft resolution A/C.3/60/L.35: Enhancement of international cooperation in the field of human rights

22. **Mr. Mohd Radzi** (Malaysia), introducing the draft resolution on behalf of the States members of the Non-Aligned Movement and China, said that the resolution had always enjoyed consensus, and he hoped that would continue to be the case.

Draft resolution A/C.3/60/L.36: The right to development

23. **Mr. Mohd Radzi** (Malaysia), introduced the draft resolution on behalf of the States members of the Non-Aligned Movement and China, which remained committed to the promotion of the right to development.

Draft resolution A/C.3/60/L.37: Protection of human rights and fundamental freedoms while countering terrorism

24. **Mr. Gómez Robledo** (Mexico), introducing the draft resolution on behalf of the original sponsors and also Canada, Costa Rica, Croatia, Ecuador, Liechtenstein, Lithuania, Malta and Poland, said that terrorism was a serious problem for the territorial integrity and security of States. However, the obligation of States to protect their populations did not justify the derogation from or suspension of the human rights of those under their jurisdiction. Respect for and promotion of human rights should be an essential part of any administrative measure or legislation to combat terrorism. Any violations of human rights were counterproductive. He welcomed the new mandate of the Special Rapporteur on the promotion and protection of human rights while countering terrorism.

25. **Mr. Khane** (Secretary of the Committee) said that Albania, Bulgaria, Denmark, the Dominican Republic, Estonia, Georgia, Greece, Guinea, Hungary, Jordan, Kenya, Latvia, Madagascar, Nigeria, the Republic of Moldova, Romania, the former Yugoslav Republic of Macedonia, Timor-Leste and Ukraine had also joined the sponsors.

Draft resolution A/C.3/60/L.44: Human rights mainstreaming in the United Nations system

26. **Mr. Majoor** (Netherlands), introducing the draft resolution on behalf of Belgium and the original sponsors and also New Zealand, Peru, Switzerland and Turkey, said that the draft resolution had three main objectives: to increase awareness of human rights as one of the three main pillars of the United Nations system and as a factor to be taken into consideration throughout the work of the United Nations; to appraise ongoing developments in the field of human rights mainstreaming within the United Nations system and identify possible gaps by requesting the Secretary-General to submit a report at the sixty-first session; and to stimulate the sharing of knowledge and experience with a view to explaining how human rights mainstreaming in the work of the United Nations contributed to a more developed and safer world. He hoped that the resolution would not only be adopted by consensus but also with the broadest possible support.

27. **Mr. Khane** (Secretary of the Committee) said that Angola, Bosnia and Herzegovina, the Congo, Georgia, Guatemala, Honduras, Lesotho, Madagascar, Panama and Ukraine had joined in sponsoring the draft resolution.

Draft resolution A/C.3/60/L.28: Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities

28. **The Chairman** drew the Committee's attention to the statement of programme budget implications of the draft resolution contained in A/C.3/60/L.58.

29. **Mr. Khane** (Secretary of the Committee) recalled that, when introducing the draft resolution at the Committee's 33rd meeting, the representative of Mexico had orally revised its third preambular paragraph.

30. **Mr. Gómez Robledo** (Mexico), speaking on behalf of the sponsors, said that his delegation hoped that, by the same time the following year, the Committee would be adopting a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities. He announced that the following countries had joined in sponsoring the draft resolution: Austria, Belgium, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Hungary, Italy, Lebanon, the Libyan Arab Jamahiriya, Lithuania, Luxembourg, Malta, Monaco, the Netherlands, Norway, Paraguay, Poland, Romania, Slovakia, Spain, Sweden and Uruguay. He hoped that the draft resolution would be adopted by consensus.

31. **Mr. Khane** (Secretary of the Committee) announced that the following countries also wished to join in sponsoring the draft resolution: Albania, Andorra, Australia, Bosnia and Herzegovina, Burkina Faso, Cape Verde, Côte d'Ivoire, the Democratic People's Republic of Korea, Georgia, Germany, Ghana, Greece, Iceland, Iraq, Ireland, Latvia, Lesotho, Liechtenstein, Madagascar, Malawi, Portugal, the Republic of Moldova, Serbia and Montenegro, Sierra Leone, Slovenia, the Sudan, Uganda, Ukraine, the United Kingdom, the United Republic of Tanzania, Zambia and Zimbabwe.

32. **Ms. Shestack** (United States of America) said that the United States was pleased to join consensus on the draft resolution. The United States was demonstrably committed to the human rights of persons with disabilities, as seen in its domestic legislation, and continued to believe that strong domestic legislation was the most effective means to advance the human rights of such persons. Still, it recognized the work being conducted in the Ad Hoc Committee, had cooperated constructively with that Committee and looked forward to continuing cooperation during upcoming negotiations. Her delegation was pleased that negotiations were to be conducted largely within existing resources. However, treaty negotiations should be kept entirely within existing resources and within a reasonable time schedule. The five-week negotiating programme called for in the draft resolution (para. 4) did not comport with the objective that treaty negotiations should be well-paced, deliberate and unhurried, with no artificial deadlines and ample time for inter-agency consultations and preparation within capitals. The United States was nonetheless pleased to join other Member States in adopting the draft resolution by consensus.

33. *Draft resolution A/C.3/60/L.28, as orally revised, was adopted.*

Draft resolution A/C.3/60/L.30: Subregional Centre for Human Rights and Democracy in Central Africa

34. **Mr. Khane** (Secretary of the Committee) said that the activities called for in paragraph 3 of the draft resolution would not entail any additional appropriation, as they could be absorbed within section 24, Human rights, for the biennium 2004-2005 and section 23, Human rights, of the proposed budget for the biennium 2006-2007. He also drew the Committee's attention to section VI of General Assembly resolution 45/248 B of 21 December 1990, which reaffirmed that the Fifth Committee was the appropriate Main Committee of the General Assembly entrusted with responsibilities for administrative and budgetary matters and reaffirmed also the role of the Advisory Committee on Administrative and Budgetary Questions.

35. **Ms. Mahouvé Same** (Cameroon), speaking on behalf of the Economic Community of Central African States, said that Belgium, France, Germany, Italy, Sierra Leone, the United Republic of Tanzania and the United States of America had also joined in sponsoring the draft resolution, which she hoped would be adopted by consensus.

36. **Mr. Khane** (Secretary of the Committee) announced that Burkina Faso, Ethiopia, the Gambia, India, Lesotho and Qatar also wished to sponsor the draft resolution.

37. *Draft resolution A/C.3/60/L.30 was adopted.*

38. **Ms. García-Matos** (Bolivarian Republic of Venezuela), explaining her delegation's position on the draft resolution, reiterated her Government's support for the Subregional Centre for Human Rights and Democracy in Central Africa and its commitment to the people of Africa. In that regard, a cultural festival would be held in Caracas later in the month which it was hoped would strengthen the ties between Venezuela and African nations. One of the festival's objectives was to promote the signature of cooperation agreements, twinning arrangements and friendship groups between Venezuelan and African parliamentarians. Her delegation therefore supported the draft resolution. However, in line with the position maintained throughout the current Assembly, it wished to express its reservations concerning the eighth preambular paragraph, which welcomed the 2005 World Summit Outcome (resolution 60/1). As stated at previous meetings, that document had no mandate or obligation whatsoever for her country.

Draft resolution A/C.3/60/L.40: Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

39. **Mr. Khane** (Secretary of the Committee) said that the activities called for in paragraph 15 of the draft resolution would not entail any additional appropriation, as they could be absorbed within section 24, Human rights, for the biennium 2004-2005 and section 23, Human rights, of the proposed budget for the biennium 2006-2007. He also drew the Committee's attention to section VI of General Assembly resolution 45/248 B of 21 December 1990, which reaffirmed that the Fifth Committee was the appropriate Main Committee of the General Assembly entrusted with responsibilities for administrative and budgetary matters and reaffirmed also the role of the Advisory Committee on Administrative and Budgetary Questions.

40. **Ms. Ajamay** (Norway), speaking on behalf of the original sponsors, said that Andorra, Armenia, Bosnia and Herzegovina, Bulgaria, the Dominican Republic, Ecuador, Georgia, Guinea-Bissau, Kenya, Morocco, Palau, Senegal, Timor-Leste, Thailand and Uruguay had joined in sponsoring the draft resolution.

41. Following extensive consultations, the following oral revisions had been made: the eighth preambular paragraph should read "recognizing the substantial role that human rights defenders can play in supporting peace through dialogue, openness, participation and justice, including by monitoring and reporting on human rights;"; in the fourteenth preambular paragraph, the phrase "and reaffirming that national legislation consistent with the Charter of the United Nations and other international obligations of the State in the field of human rights and fundamental freedoms is the juridical framework within which human rights defenders conduct their activities" should be inserted after the words "with the State"; paragraph 9 should now read: "*Calls upon* Governments to give serious consideration to responding favourably to the requests of the Special Representative to visit their countries, and urges them to enter into a constructive dialogue with the Special Representative with respect to the follow-up and implementation of her recommendations, so as to enable her to fulfil her

mandate even more effectively", in line with paragraph 11 of resolution 59/192; and paragraph 13 should now read: "*Invites* relevant United Nations bodies, including at the country level, within their mandates and working in cooperation with States, to give due consideration to the Declaration and to the reports of the Special Representative, and requests the Office of the United Nations High Commissioner for Human Rights to draw the attention of all relevant United Nations bodies, including at the country level, to the reports of the Special Representative", in line with paragraph 16 of resolution 59/192.

42. **Mr. Khane** (Secretary of the Committee) announced that the Congo, the Republic of Moldova, Sierra Leone and Ukraine also wished to sponsor the draft resolution.

43. *Draft resolution A/C.3/60/L.40, as orally revised, was adopted.*

44. **Ms. Halabi** (Syrian Arab Republic), explaining her delegation's position on the draft resolution, said that her delegation had joined the consensus. However, the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (annexed to resolution 53/144) made it imperative for States not to interfere in the internal affairs of other States and not to be selective, in accordance with the Charter of the United Nations. Moreover, it established not only rights but also responsibilities for non-governmental organizations. In that regard, non-governmental organizations should avoid discrimination. Regarding the right to communicate with non-governmental organizations, such organizations should be established in accordance with national laws. Any other understanding would be unacceptable to her delegation. Her delegation also regretted that a greater emphasis was placed on the right than on the responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms, as the balance and objective of the draft resolution was greatly affected as a result.

The meeting rose at 4.40 p.m.

United Nations A/C.3/60/SR.40

General Assembly
Sixtieth session

Official Records

Distr.: General
7 December 2005

Original: English

Third Committee

Summary record of the 40th meeting
Held at Headquarters, New York, on Tuesday, 15 November 2005, at 10 a.m.

Chairman: Mr. Butagira ..... (Uganda)

Contents

Agenda item 39: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (*continued*)

Agenda item 69: Elimination of racism and racial discrimination (*continued*)

(a) Elimination of racism and racial discrimination (*continued*)

Agenda item 70: Right of peoples to self-determination (*continued*)

Agenda item 71: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

05-60377 (E)

The meeting was called to order at 10.10 a.m.

Agenda item 39: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (*continued*) (A/C.3/60/L.61 and L.65)

Draft resolution A/C.3/60/L.61: Enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees

1. **Mr. Hyassat** (Jordan), introducing the draft resolution on behalf of the original sponsors, said they had been joined by Timor-Leste. He hoped that the draft resolution would be adopted without a vote, as in previous years.

Draft resolution A/C.3/60/L.65: Office of the United Nations High Commissioner for Refugees

2. **Ms. Lintonen** (Finland), said that Azerbaijan had withdrawn from the list of original sponsors and that they had been joined by Angola, the Central African Republic, China, the Democratic Republic of the Congo, Djibouti, Eritrea, Ghana, Hungary, Indonesia, Italy, Jamaica, Jordan, Malawi, Peru, Senegal, South Africa, Spain, Sri Lanka, the United Republic of Tanzania and Zambia. She hoped that it would be adopted by consensus. The purpose of the draft resolution was to reaffirm the support of the General Assembly for the High Commissioner's Office while providing it with policy guidelines. In paragraph 5, the words from "international community" to the end of the paragraph were to be deleted. Paragraph 9 was also to be deleted and the following paragraphs to be renumbered accordingly. She hoped that the draft resolution would be adopted by consensus.

Agenda item 69: Elimination of racism and racial discrimination (*continued*)

(a) Elimination of racism and racial discrimination (*continued*) (A/C.3/60/L.60)

Draft resolution A/C.3/60/L.60: Inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance

3. **Mr. Lukyantsev** (Russian Federation), introducing draft resolution A/C.3/60/L.60 on behalf of the original sponsors as well as Tajikistan, said that his delegation noted with concern the rise of various extremist groups, including neo-Nazis and skinheads. Persons who took part in Nazist manifestations, including Nazi veterans, must not be made into heroes or their crimes whitewashed. The draft resolution was particularly relevant in the light of the sixtieth anniversary of the Second World War victory. Furthermore, the inauguration of monuments to Nazis and declaration of the days of liberation from Nazism as days of mourning as well as the arrest of anti-Fascists for the sake of Nazi parades made the need for the draft resolution all the more urgent.

4. The draft resolution concerned current and very dangerous manifestations of racism which must be confronted at all levels. It was not a country-specific resolution but rather a thematic one oriented towards cooperation and dialogue. Its adoption would contribute significantly to the elimination of racism and related phenomena.

Agenda item 70: Right of peoples to self-determination (*continued*) (A/C.3/60/L.59 and L.62)

Draft resolution A/C.3/60/L.59: Right of peoples to self-determination

5. **Mr. Hussain** (Pakistan), introducing the draft resolution on behalf of the sponsors, said that the right to self-determination was the most basic collective right and the indispensable foundation of all human rights. Because of its universal character, the draft resolution thereon had traditionally been adopted by consensus. He hoped that that would again be the case.

Draft resolution A/C.3/60/L.62: The right of the Palestinian people to self-determination

6. **Mr. Elbadri** (Egypt), introducing the draft resolution on behalf of the sponsors, said that the Palestinian people epitomized the need for an honest and clear application of the right to self-determination. Israel's recent withdrawal from the Gaza Strip and parts of the West Bank was a step in the right direction,

but it should be seen as just one element in the road map towards the creation of a viable Palestinian State. He looked forward to the draft resolution being adopted by consensus.

7. The sponsors had been joined by Albania, Austria, Bangladesh, China, Cyprus, the Democratic People's Republic of Korea, Estonia, Iraq, Kenya, the Lao People's Democratic Republic, Latvia, Lithuania, Luxembourg, Namibia, Nigeria, Poland, San Marino, Saudi Arabia, Sierra Leone, South Africa, Switzerland, Tunisia and Venezuela (Bolivarian Republic of).

Agenda item 71: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/60/L.29, L.31, L.43, L.49, L.50, L.52/Rev.1, L.54, L.55, L.56 and L.57)

Draft resolution A/C.3/60/L.29: Combating defamation of religions

8. **Mr. Saeed** (Yemen), introducing the draft resolution on behalf of States members of the Organization of the Islamic Conference, said that its purpose was to combat the false link between Islam, the violation of human rights and terrorism and to ensure a dialogue between peoples and cultures. He called for the draft resolution to be adopted by consensus.

Draft resolution A/C.3/60/L.31: Globalization and its impact on the full enjoyment of all human rights

9. **Mr. Elbadri** (Egypt) introduced the draft resolution on behalf of the original sponsors and Angola, Burkina Faso, Cameroon, the Central African Republic, China, Côte d'Ivoire, the Democratic People's Republic of Korea, Ghana, Indonesia, Madagascar, Myanmar, Namibia, Nigeria, Saint Vincent and the Grenadines, South Africa and Uzbekistan. He said that the draft resolution, as orally revised, was aimed at addressing the ramifications of globalization for humanity. The purpose was not to pass judgement on globalization but rather to understand it better. The sponsors believed that it was possible to bridge differences in views on the human rights aspects of globalization and had renewed negotiations on that issue.

Draft resolution A/C.3/60/L.43: Strengthening the role of the United Nations in enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratization

10. **Mr. Siv** (United States of America) introduced the draft resolution on behalf of the original sponsors and Ecuador, El Salvador, Fiji, Finland, Guatemala, Indonesia, Iraq, Kenya, Lithuania, Malta, Nigeria, the Republic of Korea, Saint Vincent and the Grenadines, San Marino, Turkey and Ukraine. He said that the draft resolution recognized the important role played by the United Nations in electoral assistance. Such assistance could support the fair and transparent implementation of electoral laws and practices in accordance with international standards. Since 1989, the United Nations had received over 140 requests for electoral assistance and had provided technical, administrative, legal and human rights advice and support. The United Nations had also been integral in the electoral process as part of comprehensive peacekeeping operations. It was hoped that the United Nations Democracy Fund would provide grants which complemented that good work.

Draft resolution A/C.3/60/L.49: Promotion of peace as a vital requirement for the full enjoyment of all human rights by all

11. **Mr. Cumberbach** (Cuba), introducing the draft resolution on behalf of the original sponsors and Cameroon, Côte d'Ivoire, El Salvador, Eritrea, the Gambia, Kenya, Madagascar, the Russian Federation, Rwanda, Sierra Leone, the Syrian Arab Republic, Tunisia and Uzbekistan, said that the text had been updated to reflect the resolution adopted by the Commission on Human Rights.

Draft resolution A/C.3/60/L.50: Respect for the principles of national sovereignty and diversity of democratic systems in electoral processes as an important element for the promotion and protection of human rights

12. **Mr. Cumberbach** (Cuba), introducing the draft resolution on behalf of the original sponsors and Cameroon, Ethiopia, Indonesia, Iran (Islamic Republic of), Kenya, the Lao People's Democratic Republic, Namibia, Malaysia and the Russian Federation, said that the text contained a new preambular paragraph which reaffirmed that democracy, sustainable development and respect for human rights and

fundamental freedoms, and good governance at all levels, were interdependent and mutually reinforcing.

Draft resolution A/C.3/60/L.52/Rev.1: The right to food

13. **Mr. Cumberbach** (Cuba) introduced the revised draft resolution on behalf of the original sponsors and Antigua and Barbuda, Austria, Bangladesh, Bhutan, Cameroon, the Central African Republic, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, the Democratic People's Republic of Korea, Dominica, the Dominican Republic, El Salvador, Eritrea, Fiji, the Gambia, Germany, Ghana, Greece, Grenada, Guinea, Guinea-Bissau, Haiti, Indonesia, Ireland, Japan, Jordan, Lesotho, Lithuania, Madagascar, Malawi, Nepal, Paraguay, the Philippines, Portugal, the Russian Federation, Saint Lucia, San Marino, Saudi Arabia, Sierra Leone, Slovenia, Somalia, Spain, Sri Lanka, Switzerland, Togo, Tunisia, Turkey, and Zambia. He said that the revised draft contained several novel elements including the need to address the problems faced by indigenous peoples, the impact of natural disasters and scourges and the need to support national efforts aimed at responding rapidly to the food crises currently occurring across Africa. It also requested the International Monetary Fund and the World Bank to abandon policies that negatively impacted the right to food.

Draft resolution A/C.3/60/L.54: Elimination of all forms of intolerance and of discrimination based on religion or belief

14. **Mr. Wood** (United Kingdom) introduced draft resolution A/C.3/60/L.54 on behalf of the original sponsors as well as Argentina, Ecuador, Fiji, the Philippines, the Republic of Korea, Saint Vincent and the Grenadines, San Marino, Serbia and Montenegro, Timor-Leste, Turkey and Ukraine. He said that the current draft had an increased focus on the dialogue among civilizations and also addressed the wish of the Special Rapporteur on freedom of religion or belief to concentrate on possible tensions among religions and beliefs.

Draft resolution A/C.3/60/L.55: Human rights and cultural diversity

15. **Mr. Alaie** (Islamic Republic of Iran) introduced draft resolution A/C.3/60/L.55 on behalf of the original sponsors as well as Afghanistan, the Central African Republic, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, India, Kenya, Sierra Leone, South Africa and Uzbekistan. He said that there was an urgent need to promote respect for cultural diversity and different religions against the backdrop of globalization. The United Nations Educational, Scientific and Cultural Organization had made valuable efforts to establish the concept of cultural diversity in a legal framework in order to give it more effect at the international level. The draft resolution sought to affirm the importance of the development and preservation of the cultural heritage of all peoples in an international climate of peace, tolerance and mutual respect. The text of the last preambular paragraph had incorporated wording from paragraph 14 of the 2005 World Summit outcome document (General Assembly resolution 60/1).

16. A new preambular paragraph should be added after that paragraph, to read:

> "Acknowledging the importance of fulfilling their obligations to promote universal respect for and observance and protection of all human rights and fundamental freedoms as well as the importance of respect for and understanding of cultural and religious diversity".

Draft resolution A/C.3/60/L.56: Protection of and assistance to internally displaced persons

17. **Ms. Merchant** (Norway) introduced draft resolution A/C.3/60/L.56 on behalf of the original sponsors as well as Angola, the Central African Republic, Colombia, Cyprus, El Salvador, Iceland, Kenya, Latvia, Luxembourg, the Republic of Moldova, San Marino, Serbia and Montenegro, Sierra Leone, the former Yugoslav Republic of Macedonia and Turkey. He said that there were alarmingly high numbers of internally displaced persons throughout the world, a significant portion of whom had become internally displaced owing to natural disasters over the course of the previous 12 months.

Draft resolution A/C.3/60/L.57: Protection of migrants

18. **Ms. Olivera** (Mexico), introducing draft resolution A/C.3/60/L.57 on behalf of the original sponsors as well as Azerbaijan, Bolivia, Burkina Faso, Cuba, Egypt, Ethiopia, Fiji, Ghana, Haiti, Honduras, Indonesia, Kenya, Kyrgyzstan, Nicaragua, Nigeria, Paraguay, Senegal and Uruguay, said that the text addressed the issue of the protection of migrants from a human rights perspective. The draft resolution had also included a gender perspective as women made up an increasing share of migration flows.

The meeting rose at 11.50 a.m.

United Nations A/C.3/60/SR.41

General Assembly
Sixtieth session

Official Records

Distr.: General
5 December 2005

Original: English

Third Committee

Summary record of the 41st meeting
Held at Headquarters, New York, on Wednesday, 2 November 2005, at 2.30 p.m.

Chairman: Mr. Butagira ..... (Uganda)

Contents

Agenda item 39: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (*continued*)

Agenda item 62: Social development, including questions relating to the world social situation and to youth, ageing, disabled persons and the family (*continued*)

Agenda item 64: Advancement of women (*continued*)

Agenda item 67: Promotion and protection of the rights of children (*continued*)

Agenda item 71: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

05-60383 (E)

The meeting was called to order at 3.20 p.m.

Agenda item 39: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (*continued*) (A/C.3/60/L.64)

Draft resolution A/C.3/60/L.64: Assistance to refugees, returnees and displaced persons in Africa

1. **Mr. Wigwe** (Nigeria), introducing the draft resolution on behalf of the original sponsors, including the members of the African Group, and also Cyprus, the Czech Republic, Italy and the Netherlands, said that the sponsors felt strongly that the text must refer to the root causes of forced displacement in Africa and to the special attention required by persons with specific needs, such as women and children. It drew on the conclusions of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees regarding international protection and local integration and emphasized that adequate and timely assistance and early and effective registration and documentation helped to bring lasting solutions to the problem of refugees, returnees and displaced persons.

2. By engaging constructively with refugees, using a rights-based and community-based approach, the international community could encourage fair and equitable access to food and improved cooperation. As previously, the sponsors urged that the threats to the safety and security of the staff of the Office of the United Nations High Commissioner for Refugees should be addressed.

3. **Mr. Khane** (Secretary of the Committee) announced that Finland, Indonesia, Ireland, Lithuania and Slovenia had become sponsors of the draft resolution.

Agenda item 62: Social development, including questions relating to the world social situation and to youth, ageing, disabled persons and the family (*continued*) (A/C.3/60/L.6/Rev.1)

Draft resolution A/C.3/60/L.6/Rev.1: Follow-up to the tenth anniversary of the International Year of the Family and beyond

4. **The Chairman** said that the draft resolution contained no programme-budget implications and invited the Committee to take action on it.

5. **Ms. Bowen** (Jamaica), speaking on behalf of the sponsors, said that Armenia and the United States of America had joined in sponsoring the draft resolution. Describing the revisions to the original text, she drew attention to the addition of a new third preambular paragraph, referring to the family-related provisions of the outcomes of the major United Nations conferences and summits, and the alteration of the beginning of the final preambular paragraph and paragraphs 5 and 9. The deletion or merging of several paragraphs had resulted in the renumbering of subsequent paragraphs, while a new paragraph 6 noted the importance of an environment conducive to families, of respect for family members' human rights, of the reconciliation of work and family life and of parents' common responsibilities. A new phrase added to the end of paragraph 7 made clear the purpose of focal points on family matters. Finally, a new paragraph 11 made clear when and under which agenda item the subject of the current resolution would be taken up again. She hoped that the revised draft resolution would help to realize the objectives of the Organization's family programmes, emphasizing the goal of the International Year of the Family, which was to improve the capacity of national institutions to formulate and monitor family-related policies.

6. *Draft resolution A/C.3/60/L.6/Rev.1 was adopted.*

7. **Mr. Woodroffe** (United Kingdom), speaking on behalf of the European Union and, in addition, Albania, Bulgaria, Croatia, Liechtenstein, the Republic of Moldova, Romania, Serbia and Montenegro, the former Yugoslav Republic of Macedonia, Turkey and Ukraine, said that the European Union attached great importance to family-related issues, having adopted the first European Commission communiqué on family policies as early as 1989, and having subsequently adopted initiatives on parental leave, reconciling family and work life and improving the living conditions of vulnerable families.

8. Parents, carers and families played a crucial role in improving the lives of children and young people. Policies developed to support that role were necessary but must be inclusive if they were to be effective. Across the European Union, as in the rest of the world, the family was a living, dynamic entity, having

changed, and continuing to change, as time went on. The diversity of the family, acknowledged at the United Nations conferences and summits of the 1990s, must continue to be acknowledged in the ongoing discussion and development of policies. The European Union regretted that the resolution just adopted failed to do so, and reiterated its commitment to supporting all children, all families and all family members.

9. **Ms. Mudie** (Australia) said that her delegation wished to become a sponsor of the revised draft resolution, as a result of the changes to paragraph 11 of the original draft, which had become paragraph 9 of the revised draft.

10. **Ms. Stewart** (Canada), speaking also on behalf of Norway and Switzerland, said that the three delegations supported the family as the basic unit of society and recognized its role in promoting children's well-being and development. However, they also recognized that the family took many different forms, a fact which had been acknowledged in United Nations forums in the past and must be acknowledged when formulating policies in the future. They regretted that the current resolution had ignored such diversity, and looked forward to a more inclusive approach.

11. **The Chairman** suggested that, in accordance with General Assembly decision 55/488, the Committee should take note of the report of the Secretary-General on the World Youth Report 2005 (A/60/61-E/2005/7); the report of the Secretary-General on a global analysis and evaluation of national action plans on youth employment (A/60/133 and Corr.1) and the report of the Secretary-General on making commitments matter: young people's input to the 10-year review of the World Programme of Action for Youth to the Year 2000 and Beyond (A/60/156).

12. *It was so decided.*

Agenda item 64: Advancement of women (*continued*) (A/C.3/60/L.16/Rev.1)

Draft resolution A/C.3/60/L.16/Rev.1: Violence against women migrant workers

13. **The Chairman** said that the revised draft resolution contained no programme-budget implications and invited the Committee to take action on it.

14. **Ms. Banzon** (Philippines) announced that Azerbaijan, Cambodia, Costa Rica, Eritrea, Mali, Nicaragua, Sri Lanka, Timor-Leste and the United States of America had joined the sponsors. Speaking on behalf of the sponsors, she said that the draft resolution had been revised to reflect more clearly the situation of women migrant workers and the desire for cooperation among countries of origin, transit and destination to protect them against violence, exploitation and abuse.

15. **Mr. Khane** (Secretary of the Committee) announced that El Salvador, Ethiopia and Haiti had become sponsors of the draft resolution.

16. *Draft resolution A/C.3/60/L.16/Rev.1 was adopted.*

17. **The Chairman** suggested that, in accordance with General Assembly decision 55/488, the Committee should take note of the report of the Office of Internal Oversight Services on the audit of the United Nations International Research and Training Institute for the Advancement of Women (A/60/281).

18. *It was so decided.*

Agenda item 67: Promotion and protection of the rights of children (*continued*) (A/C.3/60/L.18/Rev.1)

Draft resolution A/C.3/60/L.18/Rev.1: The girl child

19. **The Chairman** said that the draft resolution contained no programme-budget implications and invited the Committee to take action on it.

20. **Mr. Khane** (Secretary of the Committee) announced that Belarus, Belize, Cameroon, Chile, China, Côte d'Ivoire, the Dominican Republic, Eritrea, Ghana, Kyrgyzstan, Mongolia and the Philippines had become sponsors of the draft resolution.

21. **Ms. Muuondjo** (Namibia), speaking on behalf of the Southern African Development Community and other original sponsors, announced some minor drafting changes and said that Andorra, Armenia, Austria, Canada, Colombia, Croatia, Cyprus, Grenada, Italy, Japan, Jordan, Liechtenstein, Lithuania, Malaysia, Saint Lucia, Saint Vincent and the Grenadines, Serbia and Montenegro, Spain, Sweden, the former Yugoslav Republic of Macedonia and Thailand also wished to become sponsors of the draft resolution. They hoped that the text, whose sole aim was to emphasize the plight of the girl child, would be adopted by consensus, as had occurred in the past.

22. **Mr. Khane** (Secretary of the Committee) announced that Antigua and Barbuda, Australia, Barbados, Bhutan, Bolivia, Bosnia and Herzegovina, El Salvador, Haiti, Honduras, Palau, the Republic of Moldova, Romania, Switzerland, Timor-Leste and Ukraine had also become sponsors.

23. **Ms. Shestack** (United States of America) said that her delegation wished to propose two amendments to the draft resolution and to request that they should be put to a recorded vote together. In paragraph 1, it wished to add the words "by the States parties" following "Stresses the need for full and urgent implementation" and delete the words "as well as the need for universal ratification of those instruments".

24. **Ms. Muuondjo** (Namibia), speaking on behalf of the Southern African Development Community and the many other sponsors of the draft resolution said that, while respecting the views of the United States delegation, they attached great importance to full and urgent implementation of the rights of the girl child under all instruments, and to universal ratification of the two Conventions referred to in paragraph 1. They were unwilling to compromise on those important objectives, would vote against the proposed amendments and urged all other Member States to do likewise.

25. **Mr. O'Neill** (United Kingdom), speaking on behalf of the European Union, said that the European Union strongly supported the draft resolution, believing that it would foster international awareness and understanding of issues that might limit girls' full enjoyment of human rights. The text resulted from long and constructive consultation and deserved the unanimous support of Member States. As the Convention on the Rights of the Child remained the most widely recognized mechanism for protecting children's rights, the European Union would vote against amendments intended to weaken previously agreed references to that Convention. It urged other delegations to do likewise.

26. A recorded vote was taken on the amendments proposed to draft resolution A/C.3/60/L.18/Rev.1.

In favour:

Singapore, United States of America.

Against:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Serbia and Montenegro, Sierra Leone, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Abstaining:

Qatar, Saudi Arabia.

27. *The amendments proposed to draft resolution A/C.3/60/L.18/Rev.1 were rejected by 157 votes to 2, with 2 abstentions.**

28. *The draft resolution, as orally revised, was adopted.*

29. **Ms. García-Matos** (Bolivarian Republic of Venezuela) said that it was unable to act as a sponsor of the draft resolution because the fourth preambular paragraph referred to the 2005 World Summit Outcome, which it regarded as merely a working paper entailing no mandate or obligation for Member States. However, her delegation wished to affirm its commitment to the fight to ensure that girls were able fully to enjoy all their human rights on the basis of equality.

30. **Ms. Shestack** (United States of America) said that the United States was firmly committed to the empowerment of women and the promotion of women's fullest enjoyment of universal human rights and fundamental freedoms and had devoted substantial financial and human resources towards related programmes and activities.

31. The Beijing Declaration and Platform for Action constituted an important policy framework but did not create international legal rights or legally binding obligations for States under international law. Her delegation's reaffirmation of the goals, objectives and commitments of those documents did not constitute a change in its position with respect to treaties that it had not ratified.

32. Her delegation fully supported the principle of voluntary choice regarding maternal and child health and family planning. It did not recognize abortion as a method of family planning and did not support the inclusion of abortion in the Organization's reproductive health assistance. It understood that the use of the phrase "reproductive health" in the fourteenth preambular paragraph and paragraph 25 of draft resolution A/C.3/60/L.18/Rev.1 did not create any rights and could not be interpreted as constituting the support, endorsement or promotion of abortion.

33. The wording of paragraph 1 of the draft resolution was unacceptable to her delegation, as it implied that all States had obligations under the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women and called for their universal ratification. Her delegation wished it to be noted that its proposed amendments to the paragraph had been rejected, both during the Committee's informal discussions and during the formal vote.

Agenda item 71: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/60/L.38)

Draft resolution A/C.3/60/L.38: Human rights in the administration of justice

34. **Mr. Khane** (Secretary of the Committee) said that Albania, Armenia, Israel, Japan, Paraguay, the Philippines, San Marino, Serbia and Montenegro, Thailand, Turkey and Uruguay had joined the list of sponsors at the time of its introduction, but that Serbia and Montenegro had subsequently withdrawn its sponsorship.

35. **Mr. Lutterotti** (Austria) said that in order to achieve consensus on the draft resolution his delegation wished to make changes to the text. In the fifth line of paragraph 13 the word "welcomes" should be replaced by "takes note with appreciation of". In the fifth line of paragraph 17 the word "proposed" should be inserted before the words "Peacebuilding Commission", and in the sixth line of the same paragraph the words "as proposed in the 2005 World Summit Outcome" should be deleted.

36. **Mr. Khane** (Secretary of the Committee) said that Australia, Belarus, Dominican Republic, Iceland, Jordan, Mali, Nigeria, Peru, the Republic of Moldova and Suriname had joined the sponsors.

37. **Ms. Ginsburg** (United States of America) said that her delegation wished to propose amendments to the draft resolution. Paragraph 1 should be amended to read: "Reaffirms the importance of the full and effective implementation by States of the obligations they have undertaken concerning human rights in the administration of justice". Paragraph 2 should be amended to read: "Reiterates its call to Member States to spare no effort in providing for effective legislative

* The delegation of Qatar stated that as a result of an electronic system failure, its vote had not been correctly recorded. It wished to vote against the proposed amendments.

and other mechanisms and procedures as well as adequate resources to ensure the full implementation by States of the obligations they have undertaken with respect to human rights and the administration of justice". In paragraph 14 (first line) the word "welcomes" should be replaced by the word "notes".

38. The reference in the existing paragraph 1 to "all United Nations standards on human rights in the administration of justice" encompassed numerous items included in the Compendium of United Nations Standards and Norms on Crime Prevention and Criminal Justice and in the United Nations Blue Book. Most of those so-called standards were simply recommendations to Member States and had never been intended as legally binding obligations that were to be fully and effectively implemented. The United States would take a very different approach in future negotiations on similar non-binding instruments. Paragraphs 1 and 2 should be revised because Member States might have substantive policy or legal differences with some or many of the non-binding standards, and few, if any, Member States were truly in a position to give full and effective implementation to all of them. The fact that the language under discussion had been adopted in previous years did not make her delegation's arguments any less compelling.

39. Her delegation was willing to note the Guidelines mentioned in paragraph 14 but, for various policy and legal reasons, did not welcome them. With respect to the other items being "welcomed" in the draft resolution, a far better approach would be to "note" them, without editorial comment. If the sponsors did not accept the proposed amendments, her delegation would not insist on a recorded vote and was prepared to withdraw them.

40. **Mr. Lutterotti** (Austria) said that the sponsors attached great importance to paragraphs 1 and 2, which were key to the draft resolution, and could not accept the proposed amendments. While mindful of the concerns expressed by the United States delegation, the sponsors would request that the proposed amendments should be withdrawn.

41. **Ms. Ginsburg** (United States of America) withdrew the proposed amendments.

42. *Draft resolution A/C.3/60/L.38, as orally revised by the sponsors, was adopted.*

43. **Ms. Shestack** (United States of America) said that her delegation wished to re-emphasize that it did not accept paragraphs 1 and 2 of the adopted text.

44. **Ms. García-Matos** (Bolivarian Republic of Venezuela) said that her delegation wished to express its unqualified reservation concerning paragraph 17 of the draft resolution, not just because it mentioned the 2005 World Summit Outcome, but also because it referred to issues on which her delegation had established a clear position. First, the Peacebuilding Commission had not been given responsibilities in the administration of justice, and the Secretary-General's future role in the administration of justice in post-conflict situations was unclear. Second, with respect to the express reference made to the Rule of Law Assistance Unit, her delegation believed that the rule of law was only a means to safeguard legality and did not require technical assistance. It was a serious error to give the Unit responsibility for technical assistance activities in post-conflict situations, since it was clearly the exclusive competence of States to provide such assistance and to determine the type of assistance required.

45. Third, her delegation remained concerned about the conditions for activating the Peacebuilding Commission. Only the State concerned could determine when the conflict had ended, request a peacebuilding operation, propose the necessary post-conflict strategy and establish the basis for its future development, in exercise of its right to self-determination. However, any such State must have an established or transitional Government in place, with sufficient support to request a peacebuilding operation. If such conditions were not in place, it was difficult to see how functions and responsibilities could be assigned to United Nations programmes and activities in an area as delicate as the administration of justice.

46. **Ms. Antonijević** (Serbia and Montenegro) said that her delegation had joined the consensus on the draft resolution and fully supported its objectives. However, it remained concerned about the publication entitled "Protecting the rights of children in conflict with the law" mentioned in paragraph 13. Although the publication was a useful tool in the administration of juvenile justice, her delegation took exception to the reference made in that publication to the Serbian province of Kosovo and Metohija as a country, which was incorrect.

47. Kosovo and Metohija was a part of the territory of Serbia and Montenegro, as explicitly affirmed by Security Council resolution 1244 (1999). Therefore, any reference to Kosovo and Metohija as a country was totally inaccurate and unacceptable, and the reference to the publication should not be interpreted as implying that it had been endorsed by the General Assembly.

Draft resolution A/C.3/60/L.39: Effective Promotion of the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities

48. **Mr. Khane** (Secretary of the Committee) announced that the draft resolution contained no programme budget implications and reminded the Committee that Australia, Belarus, Costa Rica, the Dominican Republic, El Salvador, Eritrea, Ethiopia, Georgia, Guatemala, Iceland, Mexico, Norway, the Republic of Moldova, Thailand and Timor-Leste had joined the sponsors at the time of its introduction.

49. **Mr. Lutterotti** (Austria) said that Armenia, Brazil, China, Latvia, Peru, the Republic of Korea, the Russian Federation, San Marino, Sweden and Uruguay had also joined the sponsors. He read out a number of minor revisions, including those made when the draft resolution had first been introduced. Paragraph 15 had been deleted in order to obviate the need for programme budget resources.

50. *Draft resolution A/C.3/60/L.39 was adopted.*

51. **Ms. García-Matos** (Bolivarian Republic of Venezuela) said that her delegation wished to express its reservation concerning the second preambular paragraph of the text, as it referred specifically to the 2005 World Summit Outcome, which was a working paper entailing no mandate for the Bolivarian Republic of Venezuela.

The meeting rose at 4.40 p.m.

United Nations A/C.3/60/SR.42

General Assembly
Sixtieth session

Official Records

Distr.: General
2 December 2005

Original: English

Third Committee

Summary record of the 42nd meeting
Held at Headquarters, New York, on Thursday, 17 November 2005, at 10 a.m.

Chairman: Mr. Butagira ..... (Uganda)

Contents

Agenda item 69: Elimination of racism and racial discrimination (*continued*)

(a) Elimination of racism and racial discrimination (*continued*)

Agenda item 70: Right of peoples to self-determination (*continued*)

Agenda item 71: Human rights questions (*continued*)

(a) Implementation of human rights instruments (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*)

Agenda item 39: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (*continued*)

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

05-60898 (E)

The meeting was called to order at 10.15 a.m.

Agenda item 69: Elimination of racism and racial discrimination (*continued*) (A/C.3/60/L.63)

Draft resolution A/C.3/60/L.63: Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

1. **Ms. Bowen** (Jamaica), speaking on behalf of the Group of 77 and China, introduced the draft resolution, which encouraged the implementation of the globally agreed agenda for the elimination of racism and related intolerance within the framework of the Durban Declaration and Programme of Action. The text of the resolution was largely based on General Assembly resolution 59/177 but had been updated to reflect recent developments in the implementation of the Durban Declaration and Programme of Action. Kazakhstan had joined the sponsors of the draft resolution.

(a) Elimination of racism and racial discrimination (*continued*) (A/C.3.60/L.60)

Draft resolution A/C.3/60/L.60: Inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance

2. **The Chairman** said that the draft resolution contained no programme budget implications.

3. **Mr. Lukyantsev** (Russian Federation), speaking on behalf of the sponsors, said that the adoption of the draft resolution would not only make a real contribution towards the elimination of racism and related intolerance but would also send a clear warning to those promoting ideas of racial purity or discriminating on the basis of race and ethnicity.

4. **The Chairman** said that the following countries wished to sponsor the draft resolution: the Democratic People's Republic of Korea, Nigeria, South Africa, the Sudan and Venezuela (Bolivarian Republic of).

5. **Ms. Shestack** (United States of America) called for a vote on the draft resolution. She said that, while she shared the sponsors' repugnance regarding racism and xenophobia, freedom of expression needed to be protected. The draft resolution failed to distinguish between statements made in exercise of freedom of expression and statements that incited to acts of violence.

6. **Mr. Dixon** (United Kingdom), speaking in explanation of vote on behalf of the European Union; the acceding countries Bulgaria and Romania, the candidate countries Croatia and Turkey; the stabilization and association process countries, the former Yugoslav Republic of Macedonia and Serbia and Montenegro; and, in addition, the Republic of Moldova and Ukraine said neo-Nazism was a particularly abhorrent manifestation of racism and xenophobia and needed to be tackled at all levels. The European Union had accordingly worked with the main sponsors at the recent meeting of the Commission on Human Rights to reach a consensus. That consensus no longer held, as the draft resolution went far beyond the agreed text. It subjected the enjoyment of human rights to unacceptable conditions and thus undermined the right to associate, assemble or express one's opinion. Paragraph 4, in particular, was unacceptable. Limitations determined by law must never be aimed at the destruction of human rights and fundamental freedoms. In its current form, the draft resolution was not a meaningful tool to fight neo-Nazism and other forms of racism. He would therefore abstain from the vote. His explanation of vote had been approved by the European Union as a whole and by Albania, Andorra, Bulgaria, Bosnia and Herzegovina, Croatia, the Republic of Moldova, Romania, San Marino, Serbia and Montenegro, Turkey, the former Yugoslav Republic of Macedonia and Ukraine.

7. **Mr. Hannesson** (Iceland) aligned himself with the views expressed by the United Kingdom on behalf of the European Union.

8. *A recorded vote was taken.*

In favour:

Algeria, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Ecuador, Egypt, El Salvador, Ethiopia, Gambia, Guatemala, Guinea, Guyana, Haiti, Honduras,

India, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mauritius, Mexico, Mongolia, Mozambique, Myanmar, Namibia, Niger, Nigeria, Oman, Pakistan, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saudi Arabia, Senegal, Singapore, South Africa, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Japan, Marshall Islands, Micronesia (Federated States of), United States of America.

Abstaining:

Albania, Andorra, Angola, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Burundi, Canada, Croatia, Cyprus, Czech Republic, Denmark, Equatorial Guinea, Eritrea, Estonia, Fiji, Finland, France, Germany, Ghana, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Morocco, Nauru, Nepal, Netherlands, New Zealand, Norway, Panama, Papua New Guinea, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, Spain, Sri Lanka, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland.

9. *Draft resolution A/C.3/60/L.60 was adopted by 97 votes to 4, with 63 abstentions.**

10. **Mr. Ballestero** (Costa Rica) said that the draft resolution departed significantly from the text approved by the Commission on Human Rights and expressed regret that it had not given rise to more consultations. It was not clear why the draft no longer stated that the SS organization and all its constituent parts, including the Waffen SS, were criminal; the third preambular paragraph mentioned only part of the SS and not the entire organization. Likewise, paragraph 2 singled out the Waffen SS, which had not been specified in the earlier text.

11. He was concerned that paragraph 4 was couched in general and a priori terms; it categorically described all the acts referred to in earlier paragraphs as being in violation of such rights as freedom of peaceful assembly and association and represented an undue limitation on action by the competent national authorities, including those responsible for guaranteeing the full enjoyment of human rights. The same was true of paragraph 5, which had been turned into a categorical statement.

12. His delegation, while supporting the Russian Federation's initiative in submitting the draft resolution, deeply regretted that it had not been adopted by consensus, as he hoped other such texts against neo-Nazism would be in future, following the necessary negotiations.

Agenda item 70: Right of peoples to self-determination (*continued*) (A.C.3/60/L.62)

Draft resolution A/C.3/60/L.62: The right of the Palestinian people to self-determination

13. **The Chairman** said that the draft resolution contained no programme budget implications and that Andorra, Armenia, Barbados, Belarus, Belgium, Benin, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, the Comoros, Costa Rica, the Democratic Republic of the Congo, Ecuador, Finland, France, Greece, Guinea, Guyana, Hungary, Iceland, India, Ireland, Lesotho, Liechtenstein, Malta, Monaco, Mozambique, Myanmar, the Niger, Norway, Portugal, Romania, Saint Lucia, Slovakia, Slovenia, Sweden, Turkey, the United Republic of Tanzania, Viet Nam, Zambia and Zimbabwe had joined the sponsors.

14. **Mr. Elbadri** (Egypt) said that the draft resolution was an annual one submitted by his delegation in order to affirm the international community's solidarity with the Palestinian people. He hoped that it would be adopted by consensus.

15. **Mr. Meron** (Israel) quoted a statement by the Prime Minister of Israel to the effect that the Jewish people's right to live in Israel did not disregard the Palestinians' right to self-determination, which Israel

* The delegations of Bangladesh, Ghana and Nicaragua subsequently informed the Committee that they had intended to vote in favour of the draft resolution.

supported. The draft resolution failed to take into account the ongoing bilateral negotiations or the mechanism already in place known as the "road map". Because it added nothing to the situation, he could not support it.

16. **The Chairman** said that a recorded vote had been requested by the representative of Israel.

17. **Ms. Shestack** (United States of America) said that she too had intended to call for a recorded vote.

18. **Ms. Mortenson** (United Kingdom), speaking in explanation of vote on behalf of the European Union; the acceding countries Bulgaria and Romania; the candidate countries Croatia and Turkey; the stabilization and association process countries, the former Yugoslav Republic of Macedonia and Serbia and Montenegro; and, in addition, the Republic of Moldova and Ukraine expressed firm support for the Palestinian people's unconditional right to self-determination. The two-State solution set out in the Quartet's road map and agreed on by both parties would offer the best possible guarantee for the security of Israel and the acceptance of Israel as an integrated partner in the region. The recent Israeli withdrawal from Gaza and parts of the West Bank and the agreement on movement between Israel and the Palestinian Authority were significant steps forward.

19. She welcomed the forthcoming elections to the Palestinian Legislative Council and emphasized that violence and terror were incompatible with democratic processes. She urged all factions, including Hamas, to renounce violence, recognize Israel's right to exist, and disarm. She urged Israel to facilitate the preparation and conduct of the elections and to cease all activities, including settlement building and the construction of the separation barrier, that would jeopardize the two-State solution.

20. **Mr. Morro** (Spain) requested that Spain should be included among the sponsors of the draft resolution.

21. *A recorded vote was taken.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, Marshall Islands, Palau, United States of America.

Abstaining:

Australia, Equatorial Guinea, Tuvalu.

22. *Draft resolution A/C.3/60/L.62 was adopted by 162 votes to 4, with 3 abstentions.*

Explanations of vote

23. **Ms. García-Matos** (Bolivarian Republic of Venezuela) expressed unqualified support for the draft resolution. There could be no lasting peace or security

in the region until the Palestinian people could exercise its right to self-determination.

24. **Ms. Chatsis** (Canada) said she regretted that the reference in the draft resolution to the advisory opinion of the International Court of Justice had not emphasized its non-binding character or been counterbalanced by a mention of Israel's security concerns.

25. **Mr. Ainchil** (Argentina) said that his country recognized the Palestinian people's right to self-determination but stressed that the exercise of that right required the existence of an active subject in the form of a people under domination. He referred in that connection to resolutions 1514 (XV) and 2625 (XXV) of the General Assembly.

26. **Ms. Rasheed** (Palestine) said that the denial of the Palestinian people's right to self-determination was at the heart of the problems besetting the Middle East and that the international community's reaffirmation of that right was essential. Israel's negative vote on the draft resolution demonstrated its rejection of a peace settlement based on mutual recognition between the two sides. Such recognition was, however, a prerequisite for all peace-settlement negotiations.

27. Israel's policy of settlement construction and wall building was jeopardizing the Palestinian people's right to self-determination and undermining the peace process. She wondered how the United States of America could cast a negative vote on a draft resolution reaffirming that right, while being in favour of the establishment of an independent State of Palestine living side by side with Israel in peace and security. She urged it to reconsider its vote, which was inconsistent with its stated position in regard to the Palestinian people under Israeli occupation.

28. She hoped that such a draft resolution would not have to be submitted the following year, but if it did, that it would be carried unanimously.

Agenda item 71: Human rights questions (*continued*)

(a) Implementation of human rights instruments (*continued*) (A/C.3/60/L.26)

Draft resolution A/C.3/60/L.26: International Covenants on Human Rights

29. **Mr. Kh** (Secretary of the Committee) said that, since the funds needed to cover activities under the draft resolution had already been appropriated by the General Assembly, its adoption would not entail any further appropriation. He called attention to the provisions of section VI of General Assembly resolution 45/248 B.

30. **Mr. Makarowski** (Sweden) said that, following consultations, certain revisions had been made which he trusted would enable the Committee to adopt the draft resolution by consensus. In paragraph 2, the following words should be deleted: "*Takes note with appreciation* of the new States parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, as well as the Optional Protocols to the International Covenant on Civil and Political Rights, and". In the same paragraph, the words "and, while acknowledging that additional States have recently become parties to these instruments," should be inserted before "requests". The word "*Welcomes*" at the beginning of paragraph 23 should be replaced by "*Takes note with appreciation of*". At the end of paragraph 26, the words "and welcomes in this regard the decision at the 2005 World Summit to double the regular budget resources of the Office over the next five years" should be deleted.

31. Australia, Azerbaijan, Benin, Bosnia and Herzegovina, Brazil, Bulgaria, Croatia, El Salvador, Georgia, Guatemala, Honduras, Jordan, Latvia, Liechtenstein, Luxembourg, Malta, New Zealand, Nicaragua, the Republic of Moldova, Serbia and Montenegro, Slovakia, Spain, the former Yugoslav Republic of Macedonia, Turkey, Ukraine and Uruguay had joined the list of sponsors.

32. *Draft resolution A/C.3/60/L.26 was adopted.*

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/60/L.42/Rev.1)

Draft resolution A/C.3/60/L.42/Rev.1: Incompatibility between corruption and the full enjoyment of human rights

33. **Ms. Zach** (United States of America) said that, due to the diverse views of many countries, the sponsors wished to pursue consultations with

concerned delegations, with a view to discussing the topic in the Committee in the future. She therefore wished to withdraw draft resolution A/C.3/60/L.42 and Rev.1.

34. **Mr. Amorós Núñez** (Cuba) said that, although the draft resolution had been withdrawn, his delegation wished to highlight the importance of any initiative on combating corruption. It favoured a broad integral approach to the problem; a selective narrow approach was a contravention of the recently adopted United Nations Convention against Corruption. The international repercussions of corruption should be taken seriously, particularly with respect to the blatantly corrupt practices implemented by multinational corporations in large powerful countries.

(c) Human rights questions: human rights situations and reports of special rapporteurs and representatives (*continued*) (A/C.3/60/L.48)

Draft resolution A/C.3/60/L.48: Situation of human rights in the Democratic People's Republic of Korea

35. **The Chairman** said that the draft resolution contained no programme-budget implications.

36. **Mr. Jones Parry** (United Kingdom), introducing the draft resolution on behalf of the original sponsors and Bulgaria, Iceland, Israel, Liechtenstein, New Zealand, Nicaragua, Palau, the Republic of Moldova and Serbia and Montenegro, said that he welcomed the report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea (A/60/306). The continuing reports of systematic, widespread and grave violations of human rights in that country and the refusal of the Government to recognize the mandate of the Special Rapporteur or to extend cooperation to him required that the General Assembly should now take up the question of the situation of human rights in that country.

37. **Mr. Kim** Chang Guk (Democratic People's Republic of Korea) said that his delegation was deeply concerned that the United States and the European Union were misusing human rights issues to further their political agenda against small or weak developing countries and that it categorically rejected draft resolution A/C.3/60/L.48. He said that the draft resolution contained fabrications and distortions concocted by the United States, Japan and certain European Union countries and their non-governmental organizations. Furthermore, the Special Rapporteur was said to have met in South Korea with organizations which lured and brainwashed North Korean defectors. It was surprised that the Special Rapporteur had met with such criminal organizations to discuss human rights and remained convinced that it had been right not to deal with him. Such human trafficking clearly constituted a flagrant violation of international law and human rights.

38. The draft resolution was aimed at interfering in the internal affairs of the Democratic People's Republic of Korea. He wished to point out that it was up to the Government of the Democratic People's Republic to decide whether or not to continue receiving humanitarian assistance and questioned the motives of the United States, the European Union and Japan in pressing the country to continue doing so.

39. The United States was using counter-terrorism as an excuse to kill civilians, use illegal weapons and torture prisoners in secret prisons across the world, while the European Union remained silent. The European Union's rejection of the draft resolution on the human rights of detainees in Guantánamo Bay clearly demonstrated its double standards in the field of human rights advocacy. The Democratic People's Republic of Korea regarded all draft resolutions submitted by the United States and the European Union against the developing countries as a culmination of politicization, double standards and selectivity in the field of human rights.

40. **Mr. Degia** (Barbados) said that his delegation was alarmed at the increasingly political and divisive nature of the human rights debate in the Committee. The specific targeting of certain countries was not productive, especially as all countries were striving to achieve a clean human rights record and good governance. It was particularly unhelpful that certain Member States had seen fit to submit draft resolutions targeting specific countries at a time when the United Nations was discussing the reform of its human rights machinery and the establishment of the Human Rights Council. With that in mind, his delegation would continue to abstain from voting on country-specific draft resolutions or to support no-action motions.

Explanations of vote before the voting

41. **Mr. Toro Jiménez** (Bolivarian Republic of Venezuela) said that draft resolution A/C.3/60/L.48 contained wording which favoured the use of force and the rule of the strongest. The report of the Special Rapporteur was not credible as it was based on information obtained from biased and unreliable sources which had nothing to do with human rights. His delegation rejected the selective and confrontational approach taken by some States to human rights in country-specific resolutions. Human rights resolutions must, on the contrary, encourage dialogue and cooperation among States. The Bolivarian Republic of Venezuela would therefore vote against the draft resolution.

42. **Mr. Amorós Núñez** (Cuba) said that the draft resolution did not encourage cooperation on human rights issues. Rather, it took a selective and politicized approach which infringed on the principles of sovereignty and territorial integrity, discredited the Commission on Human Rights and undermined the work of the Committee. Cuba would therefore vote against the draft resolution.

43. **Mr. Westmoreland** (Malaysia) said that his delegation strongly opposed the draft resolution, which took a confrontational approach to human rights, as well as the culture of "naming and shaming". He urged members to reconsider drafting resolutions which targeted countries. Human rights issues must be based on the guiding principles of objectivity, transparency, territorial integrity, sovereignty and non-selectivity. Exploitation of human rights issues for political purposes was contrary to the Charter and must be excluded. Malaysia would therefore vote against the draft resolution.

44. **Ms. Adiwoso** (Indonesia) said that her delegation regretted the raising of country-specific issues. United Nations human rights mechanisms should devise new ways of addressing human rights more constructively through technical assistance and advisory services, including with respect to the Democratic People's Republic of Korea. The Government of that country, for its part, should give attention to human rights issues, particularly relating to the abduction of foreigners. The draft resolution, however, was confrontational and counterproductive. She urged delegations to seek practical and feasible ways of protecting and promoting human rights in ways acceptable to the countries targeted. Her delegation would be voting against the draft resolution.

45. **Mr. La Yifan** (China) said that his delegation strongly regretted the submission of the draft resolution. The Government of the Democratic People's Republic of Korea had made progress on improving North-South relations, promoting self-reliance and engaging in dialogue with the European Union. Those efforts should be encouraged. The practice of finger-pointing and "naming and shaming" should be ended. The politicized nature of the draft resolution served to increase confrontation. His delegation would therefore vote against it.

46. **Ms. Kornelliouk** (Belarus) said that her delegation continued to oppose country-specific resolutions, which were counter-productive. Human rights resolutions should be based on the principle of mutual respect. The draft resolution was divisive, and her delegation would vote against it.

47. **Mr. Saeed** (Sudan) said that his Government would continue to work with the international community for the protection and promotion of all human rights. The international community should encourage the efforts made by the Government of the Democratic People's Republic of Korea to improve the economic and social conditions of its people and protect human rights. His delegation rejected any resolution which targeted a specific country or involved human rights as a means to promote a political agenda. The draft resolution was characterized by politicization, selectivity and double standards. The Human Rights Council must address the issue of the targeting of largely developing countries in human rights resolutions. Moreover, many of the countries sponsoring such resolutions had themselves violated the economic, cultural and political rights of their citizens, which was further proof of their selectivity. The Sudan would therefore vote against the draft resolution.

48. **Mr. Aydogdyev** (Turkmenistan) said that, as a member of the Non-Aligned Movement and the Organization of the Islamic Conference, his country was guided by the principles of cooperation and non-selectivity and was against resolutions which targeted individual countries, especially as the records of the sponsors of such resolutions were far from perfect. The United Nations human rights machinery should avoid any politicization and seek to promote dialogue and

cooperation. His delegation would therefore vote against the draft resolution.

49. **Mr. Kitchen** (Zimbabwe) said that his delegation was concerned at a human rights approach characterized by selectivity and double standards and regretted the submission of human rights draft resolutions for political purposes which did not advance the United Nations human rights agenda. Zimbabwe would therefore vote against the draft resolution.

50. **Ms. Khalil** (Egypt) said that her delegation had consistently and firmly voted against country-specific resolutions regardless of their objective or thematic aspects. Politicizing the issue of human rights served only to promote selectivity, double standards and confrontation. Such resolutions were not based on negotiations, dialogue and multilateral cooperation. Furthermore, they contradicted efforts to increase participation in United Nations human rights machinery, particularly through the establishment of a Human Rights Council, and infringed on respect for the religious, cultural and historical diversity of countries which was an essential part of human rights in all regions of the world and a pillar of dialogue among civilizations.

51. *A recorded vote was taken.*

In favour:

Afghanistan, Albania, Andorra, Argentina, Australia, Austria, Azerbaijan, Belgium, Belize, Bhutan, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Iraq, Ireland, Israel, Italy, Japan, Kazakhstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Nauru, Netherlands, New Zealand, Nicaragua, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Moldova, Romania, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, Syrian Arab Republic, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against:

Belarus, China, Cuba, Democratic People's Republic of Korea, Egypt, Gambia, Guinea, Indonesia, Iran (Islamic Republic of), Lao People's Democratic Republic, Libyan Arab Jamahiriya, Malaysia, Myanmar, Russian Federation, Sudan, Swaziland, Tajikistan, Turkmenistan, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Zimbabwe.

Abstaining:

Algeria, Angola, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Colombia, Côte d'Ivoire, Democratic Republic of the Congo, Djibouti, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Ghana, Guinea-Bissau, Guyana, India, Jamaica, Jordan, Kenya, Kuwait, Kyrgyzstan, Lesotho, Mali, Mauritius, Morocco, Mozambique, Namibia, Nepal, Niger, Nigeria, Pakistan, Philippines, Qatar, Republic of Korea, Saint Kitts and Nevis, Saint Lucia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Suriname, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Vanuatu, Yemen, Zambia.

52. *Draft resolution A/C.3/60/L.48 was adopted by 84 votes to 22, with 62 abstentions.**

53. **Mr. Shin** Kak-soo (Republic of Korea) said that his delegation shared the serious concern expressed in the draft resolution at the human rights situation in the Democratic People's Republic of Korea. However, his Government had other crucial objectives which were vital to the promotion of peace and security in the region. Human rights issues were pursued within the overall framework of policies towards the Democratic People's Republic of Korea, including through dialogue and providing assistance to improve the situation in the country.

54. His delegation had therefore abstained from voting on the draft resolution. He expected that the

* The delegation of Estonia subsequently informed the Committee that it had intended to vote in favour of the draft resolution; and the delegation of the Syrian Arab Republic that it had intended to vote against.

Democratic People's Republic of Korea would implement the international human rights instruments to which it was a party and work with the United Nations human rights machinery, including the special procedures.

55. **Mr. Ozawa** (Japan) said that his delegation welcomed the adoption of the draft resolution as Japan was a victim of the abduction of its nationals by the Democratic People's Republic of Korea. His delegation urged the Government of the Democratic People's Republic of Korea to take the resolution seriously and to cooperate with the Special Rapporteur. The resolution was not intended as a means of naming and shaming but rather sought to encourage the Democratic People's Republic of Korea to work within the United Nations system.

Agenda item 39: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (*continued*) (A/C.3/60/L.61, L.64 and L.65)

Draft resolution A/C.3/60/L.61: Enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees

56. **The Chairman** said that the draft resolution contained no programme-budget implications and that Andorra, Benin and South Africa wished to become sponsors. He took it that the Committee wished to adopt the draft resolution without a vote.

57. *Draft resolution A/C.3/60/L.61 was adopted.*

Draft resolution A/C.3/60/L.64: Assistance to refugees, returnees and displaced persons in Africa

58. **The Chairman** said that the following countries wished to sponsor the draft resolution: Andorra, Azerbaijan, France, Germany, Hungary, Iceland, Liechtenstein, Poland and the former Yugoslav Republic of Macedonia. He took it that the Committee wished to adopt the draft resolution without a vote.

59. *Draft resolution A/C.3/60/L.64 was adopted.*

Draft resolution A/C.3/60/L.65: Office of the United Nations High Commissioner for Refugees

60. **The Chairman** said that the draft resolution, as orally revised, contained no programme-budget implications.

61. **Ms. Heikkilä** (Finland) introduced the draft resolution, as orally revised, on behalf of the sponsors as well as Andorra, the Bahamas, Belgium, Jamaica, Jordan, Micronesia (Federated States of), New Zealand, Pakistan, Paraguay, the Republic of Korea, Saint Lucia, Saint Vincent and the Grenadines, Slovakia and Uruguay.

62. The draft resolution reaffirmed the General Assembly's support for the work of the Office of the United Nations High Commissioner for Refugees (UNHCR) and provided policy directives on essential aspects of that work, while recalling the shared responsibilities of States. The draft resolution clearly focused on new developments, particularly in the area of international protection and durable solutions, and reflected on the work undertaken by UNHCR and the Executive Committee of the High Commissioner's Programme over the previous year.

63. **The Chairman** announced that the following countries wished to sponsor the draft resolution, as orally revised: Antigua and Barbuda, Barbados, Benin, Brazil, Bulgaria, Burkina Faso, Burundi, Cameroon, Cape Verde, Colombia, the Comoros, Guyana, Madagascar, Namibia, Rwanda, Solomon Islands, Suriname and Zimbabwe.

64. **Mr. Elbadri** (Egypt) said that his delegation had sponsored the draft resolution, as in previous years, owing to its firm belief in the importance of the work of UNHCR. However, the current draft resolution should have placed more emphasis on the linkage between the legal responsibility of States to protect refugees and the principle of enhancing international solidarity and burden-sharing.

65. It should also have underlined the agreed principle of international support for and solidarity with those developing countries, least developed countries and countries with economies in transition that hosted refugees. The following year's resolution should follow those recommendations.

66. **Ms. García-Matos** (Bolivarian Republic of Venezuela) said that her country was committed to protecting refugees and displaced persons, had been actively engaged in the setting of national and international standards for refugees and displaced

persons, and had implemented specific measures to prevent their social exclusion.

67. Her delegation regretted that a consensus had not been achieved to avoid the deletion of the operative paragraph from the draft resolution urging all States to address the root causes of forced displacement. The Bolivarian Republic of Venezuela had undertaken that commitment at several international forums, including the Organization of American States. Durable and effective solutions depended not only on the will and capacity of States, guided by a spirit of humanitarianism and international solidarity, but also on the essential support provided by UNHCR.

68. **The Chairman** took it that the Committee wished to adopt the draft resolution, as orally revised, without a vote.

69. *Draft resolution A/C.3/60/L.65, as orally revised, was adopted.*

70. **Ms. Adjalova** (Azerbaijan) said that her delegation had joined the consensus on the draft resolution just adopted in order to reiterate its full support for the important work of UNHCR. However, it regretted that the text agreed by consensus in Geneva had been substantively changed, particularly owing to the deletion of the important operative paragraph on the root causes of forced displacement. Consequently, her delegation had withdrawn its sponsorship. All delegations should ensure their timely and active participation in the following year's consultations in Geneva. Furthermore, the agreement reached there should be preserved in New York in order to have a true consensus on the draft resolution to be adopted by the Committee.

The meeting rose at 12.50 p.m.

United Nations A/C.3/60/SR.43

General Assembly
Sixtieth session

Official Records

Distr.: General
5 December 2005

Original: English

Third Committee

Summary record of the 43rd meeting
Held at Headquarters, New York, on Friday, 18 November 2005, at 10 a.m.

Chairman: Mr. Butagira ..... (Uganda)

Contents

Agenda item 64: Advancement of women (*continued*)

Agenda item 65: Implementation of the outcome of the Fourth World Conference on Women and of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century" (*continued*)

Agenda item 71: Human rights questions (*continued*):

(a) Implementation of human rights instruments (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*)

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

05-60904 (E)

The meeting was called to order at 10.25 a.m.

Agenda item 64: Advancement of women (*continued*) (A/C.3/60/L.15/Rev.1 and L.21 and Corr.1)

Draft resolution A/C.3/60/L.15/Rev.1: Future operation of the International Research and Training Institute for the Advancement of Women

1. **The Chairman** drew attention to the statement of programme budget implications of draft resolution A/C.3/60/L.15 contained in document A/C.3/60/L.21 and Corr.1, which also applied to the revised text of the draft resolution. The only difference giving rise to programme budget implications was that in paragraph 10 of the revised version, funds were to cover two years, 2006 and 2007, instead of three years, 2006, 2007 and 2008, as originally provided.

2. **Ms. Bowen** (Jamaica), speaking on behalf of the sponsors, which currently included Greece, Italy, Mexico and Spain, drew attention to the new provisions in the revised draft resolution which sought to encourage coordination and collaboration of activities between the International Research and Training Institute for the Advancement of Women (INSTRAW) and other departments in the Secretariat which dealt with the advancement of women. The importance of the medium- and long-term stability of INSTRAW in strengthening the initiatives to be developed in the context of the fund-raising strategy and the consolidation of the revitalization of the Institute was reflected in the text of the eighth preambular paragraph. Paragraph 10 had been revised with the aim of supporting the core functions of INSTRAW for the 2006-2007 biennium rather than the three years which had previously been requested. In the absence of consensus, her delegation was counting on widespread support in the Committee for the provisions that would help the Institute to advance the empowerment of women from all regions.

3. **The Chairman** invited delegations to explain their vote before the voting.

4. **Mr. Lara-Peña** (Dominican Republic), associating himself with the statement by Jamaica, said that as host country to INSTRAW since 1983 the Dominican Republic had maintained its unconditional support for the Institute, including the provision of excellent facilities, equipment and services. Despite limited resources, INSTRAW had clearly demonstrated its capacity to deal with gender issues in areas such as security, international migration, good governance and political participation to coordinate its activities with other relevant entities of the United Nations system. His delegation urged Member States to support the draft resolution and take measures to grant INSTRAW permanent funding so as to enable it to conduct research to promote the advancement of women throughout the world.

5. **Mr. Berg** (Sweden), speaking also on behalf of Australia, Canada, Denmark, Finland, the Netherlands, New Zealand and the United Kingdom said that they were committed advocates for the promotion and protection of the full enjoyment of all human rights and fundamental freedoms by women and were considerable donors to gender-related projects within the United Nations system, which should allocate more resources to gender mainstreaming and the promotion of gender equality. They had engaged constructively in the discussions regarding the future of INSTRAW to find a sustainable solution for its financial difficulties and had acknowledged the efforts by the Director to revitalize the work of the Institute.

6. As the aforementioned delegations had continuing concerns that the Institute lacked a comparative advantage in the area of gender research, some had withdrawn their voluntary funding years earlier. They could not therefore endorse continued funding for the Institute from the regular budget of the United Nations. They would vote against the draft resolution on the ground that the Institute's funding should come strictly from voluntary contributions.

7. **Ms. Ohashi** (Japan), said that her Government attached great importance to advancing the status of women and promoting gender equality. INSTRAW should be funded entirely by voluntary contributions, as stipulated in its statute. Nevertheless, a request had been made yet again for a subvention from the regular budget. Granting such a request was unacceptable as it would greatly damage the financial discipline of the Organization, especially as the regular budget for the biennium 2006-2007 could reach the unprecedented level of $4 billion. Her delegation would therefore vote against the draft resolution.

8. **Ms. Plaisted** (United States of America), said that her delegation would vote against the draft resolution. It could not accept wording of the second preambular paragraph reaffirming General Assembly

resolution 57/311 whose paragraph 5 approved the release of funds which her Government had opposed. Furthermore, it could not accept the word "sustainable" in the ninth preambular paragraph of the draft resolution, as it indicated that funding was being sought from the regular budget. Lastly, her Government could not accept paragraph 10 because of budgetary concerns. The budget implications of the draft resolution would be $1.3 million each year for two years, for a total of $2.6 million.

9. *A recorded vote was taken on the draft resolution.*

In favour:

Afghanistan, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Gambia, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Italy, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Portugal, Qatar, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Australia, Canada, Denmark, Fiji, Finland, Japan, Marshall Islands, Netherlands, New Zealand, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Albania, Austria, Belgium, Bosnia and Herzegovina, Croatia, Czech Republic, Estonia, France, Germany, Hungary, Iceland, Ireland, Latvia, Liechtenstein, Lithuania, Luxembourg, Norway, Poland, Republic of Korea, Republic of Moldova, Romania, Russian Federation, San Marino, Slovenia, Switzerland, Ukraine.

10. *Draft resolution A/C.3/60/L.15/Rev.1 was adopted by 138 votes to 12, with 26 abstentions.*

11. **Ms. Feller** (Mexico) said that her Government affirmed its commitment to the promotion of gender equality and the empowerment of women as well as full implementation of the Beijing Platform for Action and the Millennium Development Goals. The Director of INSTRAW had set an example for other United Nations entities, turning the Institute's financial situation around and overcoming many obstacles. Those efforts should be supported.

12. Her delegation had noted with deep concern the persistence of actions which undermined the Institute. INSTRAW was a universal body undertaking projects to promote the advancement of women in every region of the world. All Governments were therefore urged to make voluntary contributions to the Institute.

Agenda item 65: Implementation of the outcome of the Fourth World Conference on Women and of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century" (*continued*) (A/C.3/60/L.67)

Draft resolution A/C.3/60/L.67: Follow-up to the Fourth World Conference on Women and full implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly

13. **Ms. Carvalho** (Portugal), introducing draft resolution A/C.3/60/L.67, said that the adoption of the draft resolution would reaffirm the commitment by Member States to implementation of the Beijing Declaration and Platform for Action, the outcome

document of the twenty-third special session, and Security Council resolution 1325 (2000).

14. *The draft resolution was adopted without a vote.*

15. **Ms. Plaisted** (United States of America) said that her delegation was pleased to join the consensus on the draft resolution. Her Government was firmly committed to the empowerment of women and the promotion of women's fuliest enjoyment of universal human rights and fundamental freedoms and had devoted substantial monetary and human resources to programmes and activities to eliminate violence against women. Her Government reaffirmed its support for the Beijing Declaration and Platform for Action, which constituted an important policy framework but did not create international legal rights or legally binding obligations on States under international law. It fully supported the principle of voluntary choice regarding maternal and child health and family planning but did not recognize abortion as a method of family planning or support abortion in its reproductive health assistance. Lastly, it viewed the reference to the contribution by the Committee on the Elimination of Discrimination against Women to be an acknowledgement of the Committee's efforts to implement the Beijing Platform for Action rather than an endorsement of specific pronouncements or recommendations.

16. **Ms. García-Matos** (Bolivarian Republic of Venezuela) said that, while her delegation had joined the consensus on the draft resolution, it was concerned at the emphasis on the commitments made in the 2005 World Summit Outcome (resolution 60/1), a document which it considered to be a working paper and in no way legally binding. Her Government recognized the importance of the commitments made at the Fourth World Conference on Women and supported all international actions based on the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, and it had developed a national plan for women and public policies and programmes accordingly. Lastly, her delegation did not endorse the reference in paragraph 16 to the commitment made at the 2005 World Summit to the full and effective implementation of Security Council resolution 1325 (2000), as that resolution limited the General Assembly's authority and concentrated more power within the Council, which was interfering increasingly with the domestic affairs of States.

Agenda item 71: Human rights questions (*continued*)

(a) Implementation of human rights instruments (*continued*) (A/C.3/60/L.25/Rev.1)

Draft resolution A/C.3/60/L.25/Rev.1: Torture and other cruel, inhuman or degrading treatment or punishment

17. **The Chairman** said that the adoption of the draft resolution would not entail any additional appropriation.

18. **Mr. Rehfeld** (Denmark), introducing the draft resolution on behalf of the original sponsors and also Albania, Armenia, Australia, Bangladesh, Belarus, Burkina Faso, the Central African Republic, Eritrea, Ghana, Iceland, Jordan, Micronesia (Federated States of), Mongolia and Papua New Guinea, said that the international community must continue its fight against disgraceful acts of torture that continued to take place throughout the world. He introduced some minor revisions to the draft resolution and said that the adoption of the resolution by consensus would clearly demonstrate the common resolve of the international community to eliminate all acts of torture.

19. *Draft resolution A/C.3/60/L.25/Rev.1 was adopted.*

20. **Ms. García-Matos** (Bolivarian Republic of Venezuela) said that her delegation was unable to sponsor the resolution because it could not support the expression of appreciation in paragraph 19 to the Special Rapporteur for his interim report (A/60/316). In that report, the Special Rapporteur stated that Venezuela had failed to provide any follow-up information on the application of his recommendations. He had apparently forgotten that, as recently as August 2005, he had requested additional information on recommendations he had made in 1997 and had given a deadline of 1 November 2005. In any event, her Government had provided to the Office of the High Commissioner on Human Rights the information requested within the deadline set. Consequently, and despite the efforts made to soften the tone of paragraph 19, her delegation had decided not to sponsor the draft resolution.

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/60/L.33/Rev.1, L.54 and L.70)

Draft resolution A/C.3/60/L.54: Elimination of all forms of intolerance and of discrimination based on religion or belief

21. **The Chairman** said that the draft resolution contained no programme-budget implications.

22. **Mr. Wood** (United Kingdom), speaking on behalf of the European Union and the original sponsors, and also Albania, Andorra, Argentina, Armenia, Australia, Ecuador, Fiji, Liechtenstein, the Philippines, the Republic of Korea, Saint Vincent and the Grenadines, San Marino, Serbia and Montenegro, Thailand, Timor-Leste, Turkey and Ukraine, said that the following new paragraph had been added to the preamble: "*Acknowledging* that in order to be effective such a dialogue should be based on respect for the dignity of adherence of religions and beliefs, as well as respect for diversity and universal provision and protection of human rights." In addition, there was a new paragraph immediately following paragraph 6 which read: "*Condemns* any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audio-visual and electronic media or any other means;". He read out a few other minor revisions.

23. The sponsors believed that there was an urgent need for vigilance to prevent intolerance towards any member of any religious community. They trusted that the resolution could be adopted by consensus, thereby demonstrating the importance attached by the General Assembly to the issue.

24. **Mr. Khane** (Secretary of the Committee) announced that Bolivia, Bosnia and Herzegovina, Brazil, Cape Verde, the Central African Republic, the Dominican Republic, Iceland, Nigeria, Panama, Paraguay, Sierra Leone, the United Republic of Tanzania, the United States of America and Venezuela had joined the sponsors.

25. **Mr. Saeed** (Yemen) said that in the light of the consensus on the revisions to the draft resolution his delegation wished to withdraw the amendments in document A/C.3/60/L.70.

26. *Draft resolution A/C.3/60/L.54 was adopted.*

27. **Ms. Halabi** (Syrian Arab Republic) said that her delegation had voted in support of the draft resolution because it was convinced of the need to condemn all forms of intolerance or discrimination. However, it had some reservations about paragraph 4 (a) which referred to the right of individuals to change religion or belief. The sponsors of the draft resolution should not have insisted on including that provision, which, since it contradicted the precepts of Islam, did not sit well in a text dealing with the elimination of all forms of intolerance.

Draft resolution A/C.3/60/L.33/Rev.1: National institutions for the promotion and protection of human rights

28. **The Chairman** said that the draft resolution contained no programme-budget implications.

29. **Mr. Mehrhotra** (India) speaking on behalf of the original sponsors, and also Albania, Angola, Argentina, Armenia, Austria, Belarus, Belgium, Benin, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burundi, Cape Verde, Central African Republic, Costa Rica, Côte d'Ivoire, Denmark, Egypt, Eriteria, Finland, Gambia, Georgia, Ghana, Greece, Guatemala, Honduras, Hungary, Israel, Lithuania, Malaysia, Malta, Mexico, Morocco, Netherlands, New Zealand, Papua New Guinea, Philippines, Poland, Sierra Leone, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Thailand, Turkey, and the United Kingdom, said they hoped that the non-controversial and apolitical resolution would be adopted by consensus.

30. **Mr. Gómez Robledo** (Mexico) said that Mexico wished to be included among the sponsors of the draft resolution.

31. *Draft resolution A/C.3/60/L.33/Rev.1 was adopted.*

32. **Mr. Wood** (United Kingdom), speaking on behalf of the European Union and also Bulgaria, Romania, Turkey, Croatia, Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Serbia and Montenegro, Iceland, Liechtenstein, Norway, Ukraine and the Republic of Moldova, said that national institutions for the promotion and protection of human rights were an essential part of the global effort in support of human rights and fundamental freedoms. They therefore

welcomed the emphasis placed by the Secretary-General on the need to build strong human rights institutions at the country level and the effort being made to encourage the entities of the United Nations system to work in close cooperation with those institutions. The European Union recognized the importance of such institutions and, where Members had not yet set them up, they were making efforts to do so. Thanks to the willingness of the main sponsors to take account of their concerns, they had all, for the first time, sponsored the draft resolution on the subject.

33. **Ms. Ahmed** (Bangladesh) said that Bangladesh had also joined the sponsors.

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/C.3/60/L.45)

Draft resolution A/C.3/60/L.45: Situation of human rights in the Islamic Republic of Iran

34. **Mr. Rock** (Canada) said that Australia, Bulgaria, Iceland, New Zealand, Palau and the Republic of Moldova had joined the sponsors. The sponsors were concerned about the marked deterioration in the enjoyment of human rights in the Islamic Republic of Iran and wished to encourage efforts to improve the situation. Every attempt had been made to produce a balanced and accurate text reflecting the key concerns while giving due credit to the Government of that country for the positive steps it had taken.

35. **Mr. Khane** (Secretary of the Committee) announced that Bulgaria and Papua New Guinea had also become sponsors.

36. **Ms. Hastaie** (Islamic Republic of Iran) said that the States actively concerned about human rights in the United Nations system fell into two groups. One group held that all Governments, whether in the South or the North, were equally accountable; they favoured a promotional approach, including capacity-building at the domestic level. The other group believed that human rights scrutiny should focus exclusively on the countries of the South and that any concern to question the human rights record of developed countries should be thwarted; they favoured confrontation as an effective means of promoting and protecting human rights in the world. The latter attitude — taken by Canada towards the Islamic Republic of Iran and other developing countries — was an example of the politicization of human rights by the West. Canada was seeking to pre-empt the structure and mandate of the future Human Rights Council to suit its own political goals.

37. Selective use of the human rights mechanisms in the interests of a few powerful developed countries had led to a further deepening of the North-South divide, culminating in recent initiatives by developing countries to block the abuse of those mechanisms by moving the adjournment of the debate. The objection to such selectivity and double standards was a matter of principle and brooked no compromise. Politically motivated actions had to be distinguished from genuine concern about human rights. Confrontational attitudes could jeopardize the good cooperation established between his country and the United Nations human rights mechanisms.

38. The draft resolution was a response to a bilateral legal dispute between the Islamic Republic of Iran and Canada and part of an effort to put pressure on her country. The international community was at a crossroads; if it wished for fairness and objectivity in the treatment of human rights it should block the draft resolution. She accordingly called for the adjournment of the debate thereon under rule 116 of the rules of procedure.

39. **The Chairman** invited two representatives to speak in favour of, and two against, the motion, before putting it to the vote, in accordance with rule 116.

40. **Mr. Lukyantsev** (Russian Federation) supported the proposal to adjourn the debate. He did not dispute that the international community was concerned about the human rights situation, but its current practice of targeting particular countries was politically motivated. The same States stood accused year after year. There were other countries that were guilty of human rights violations but they were not made the subject of draft resolutions.

41. **Mr. Kitchen** (Zimbabwe) said that selective targeting did not advance the human rights agenda; it was intended to serve the interests of the sponsors and to raise tensions. No country had an unblemished human rights record; the sponsors of such draft resolutions were themselves guilty of human rights abuses and ignored such violations by developed countries. They were seeking not to secure respect for human rights but to settle political scores. He therefore supported the motion.

42. **Mr. Rock** (Canada) said that one of the Committee's main responsibilities was to consider human rights violations in every country. He was aware of the concern about the country-specific approach, but the situation in some countries was crying out for appropriate attention. All countries were open to criticism; none was perfect. Where, however, Governments themselves condoned such abuses, the United Nations must consistently encourage them to respect human rights. If those efforts were blocked by a procedural motion, the message would be that the United Nations did not consider human rights in the Islamic Republic of Iran to be worthy of its attention.

43. **Mr. Dauth** (Australia) associated himself with the statement of the representative of Canada. It was important that the Third Committee should continue to serve as a forum for addressing human rights violations worldwide. No procedural motion should be allowed to prevent a draft resolution from being examined on its merits. His country was opposed to such motions as a matter of principle.

44. *A recorded vote was taken on the proposal to adjourn the debate on draft resolution A/C.3/60/L.45.*

In favour:

Afghanistan, Algeria, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Bhutan, Brunei Darussalam, Burkina Faso, China, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Egypt, Equatorial Guinea, Eritrea, Gambia, Guinea, India, Indonesia, Iran (Islamic Republic of), Jamaica, Kazakhstan, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Malaysia, Maldives, Mali, Mauritania, Morocco, Myanmar, Namibia, Nepal, Niger, Oman, Pakistan, Philippines, Qatar, Russian Federation, Saint Lucia, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, South Africa, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Tunisia, Turkmenistan, Uganda, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Argentina, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kiribati, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Nauru, Netherlands, New Zealand, Nicaragua, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Moldova, Romania, Saint Vincent and the Grenadines, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Tonga, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Vanuatu.

Abstaining:

Angola, Belize, Benin, Botswana, Brazil, Burundi, Cameroon, Cape Verde, Chad, Colombia, Ethiopia, Ghana, Guinea-Bissau, Guyana, Iraq, Kenya, Mauritius, Nigeria, Republic of Korea, Rwanda, Suriname, Trinidad and Tobago, United Republic of Tanzania.

45. The motion to adjourn the debate on draft resolution A/C.3/60/L.45 was rejected by 77 votes to 70, with 23 abstentions.

46. **The Chairman** announced that a recorded vote had been requested on draft resolution A/C.3/60/L.45. He invited delegations that wised to explain their vote before the voting to do so.

47. **Mr. Amorós Núñez** (Cuba), said that the draft resolution was selective and partial. Canada's politicized approach was harmful and discredited the work of the Commission on Human Rights. His delegation would therefore vote against the draft resolution.

48. **Mr. Toro Jiménez** (Bolivarian Republic of Venezuela) said that his delegation was against selective condemnation in the field of human rights and would vote against the draft resolution.

49. **Mr. Aydogdyev** (Turkmenistan) said that, as a member of the Non-Aligned Movement and the Organization of the Islamic Conference, his country was guided by the principles of engagement,

cooperation and non-selectivity in addressing human rights issues. It shared extensive economic, cultural and historical ties with the Islamic Republic of Iran and, because it was against the selective targeting of developing countries, and would vote against the draft resolution.

50. **Mr. Arziev** (Uzbekistan) said that country-specific resolutions caused misunderstanding, confrontation and mistrust. Member States must avoid using the human rights agenda as a tool of political pressure on selected countries. Uzbekistan would vote against the draft resolution.

51. **Mr. Taranda** (Belarus) said that his delegation consistently opposed country-specific resolutions because they were counterproductive and did not serve the promotion and protection of human rights. They produced unnecessary division and led to the politicization of the Committee's work. His delegation would have no hesitation in voting against the draft resolution.

52. **Ms. Adiwoso** (Indonesia) said that her delegation could not support the draft resolution because it was confrontational and highly politicized. It favoured a more constructive approach based on dialogue and cooperation and urged all those who were concerned with the promotion and protection of human rights to search for practical solutions which would be accepted by the targeted country.

53. **Mr. Hamidon Ali** (Malaysia) said that, as a member of the Non-Aligned Movement, his Government believed that human rights issues should be addressed through constructive dialogue. The exploitation of human rights for political purposes, including selective targeting of individual countries, should be excluded. His Government called upon States which submitted such resolutions to reconsider their actions, as the practice of "naming and shaming" only contributed to further polarization and division.

54. **Mr. Swe** (Myanmar) said that his delegation strongly agreed with the position of the representative of Malaysia and would vote against all country-specific draft resolutions.

55. **Mr. Erwa** (Sudan) said that his delegation rejected country-specific resolutions on principle, especially when they targeted developing countries. It was concerned that the Committee might appear to be monitoring human rights violations in developing countries while closing its eyes to those in industrialized countries. His delegation admired the vibrant democratic process currently taking place in the Islamic Republic of Iran and strongly opposed politicization, double standards and selectivity. Indeed, within the context of the reform, the United Nations was engaged in consultations aimed at eliminating those very practices. The Committee should not be used as a forum to settle bilateral disputes.

56. *A recorded vote was taken on draft resolution A/C.3/60/L.45.*

In favour:

Albania, Andorra, Argentina, Australia, Austria, Belgium, Belize, Bolivia, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Estonia, Fiji, Finland, France, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kiribati, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Nauru, Netherlands, New Zealand, Nicaragua, Norway, Palau, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Moldova, Romania, Saint Vincent and the Grenadines, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Tonga, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Vanuatu.

Against:

Afghanistan, Algeria, Armenia, Azerbaijan, Bahrain, Bangladesh, Belarus, Brunei Darussalam, China, Cuba, Democratic People's Republic of Korea, Djibouti, Egypt, Gambia, Guinea, India, Indonesia, Iran (Islamic Republic of), Kazakhstan, Kuwait, Kyrgyzstan, Lebanon, Libyan Arab Jamahiriya, Malaysia, Maldives, Mauritania, Morocco, Myanmar, Niger, Oman, Pakistan, Qatar, Russian Federation, Saint Lucia, Saudi Arabia, Senegal, Somalia, South Africa, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Tajikistan, Togo, Tunisia, Turkmenistan, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zimbabwe.

Abstaining:

Angola, Antigua and Barbuda, Bahamas, Barbados, Benin, Bhutan, Botswana, Brazil, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Colombia, Côte d'Ivoire, Democratic Republic of the Congo, Eritrea, Ethiopia, Ghana, Guinea-Bissau, Guyana, Iraq, Jamaica, Kenya, Lao People's Democratic Republic, Lesotho, Mali, Mauritius, Mongolia, Mozambique, Namibia, Nepal, Nigeria, Panama, Philippines, Republic of Korea, Rwanda, Sierra Leone, Singapore, Suriname, Thailand, Trinidad and Tobago, Uganda, United Arab Emirates, United Republic of Tanzania, Zambia.

57. *Draft resolution A/C.3/60/L.45 was adopted by 77 votes to 51, with 46 abstentions.*

58. **Mr. Meyer** (Brazil), said that that his delegation had abstained from voting because it felt that country-specific resolutions should be adopted only in the case of the most serious and systematic human rights violations. In 2005, the Islamic Republic of Iran had received visits from the Special Rapporteur on violence against women, its causes and consequences and the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living. It had developed technical cooperation on human rights with United Nations agencies and maintained bilateral dialogues with a number of countries. However, his delegation was concerned about the situation of freedom of opinion and expression, violence and discrimination against women, and cruel treatment or punishment. It was particularly disquieting that the death penalty continued to be applied to persons under the age of 18. Finally, his delegation remained deeply concerned about the wide discrimination against people from the Baha'i community. It urged the Islamic Republic of Iran to receive without delay the Special Rapporteur on freedom of opinion and expression and to continue to progress towards achieving respect for the human rights of all members of society, without distinction.

The meeting rose at 12.50 p.m.

United Nations A/C.3/60/SR.44

General Assembly
Sixtieth session

Official Records

Distr.: General
8 December 2005

Original: English

Third Committee

Summary record of the 44th meeting
Held at Headquarters, New York, on Friday, 18 November 2005, at 3 p.m.

Chairman: Mr. Butagira ..... (Uganda)

Contents

Agenda item 71: Human rights questions (*continued*)

(c) **Human rights situations and reports of special rapporteurs and representatives (*continued*)**

Agenda item 67: Promotion and protection of the rights of children (*continued*)

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

05-61049 (E)

The meeting was called to order at 3.20 p.m.

Agenda item 71: Human rights questions (*continued*)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/C.3/60/L.53 and L.68)

Draft resolution A/C.3/60/L.53: Situation of human rights in Myanmar

1. **The Chairman** drew the Committee's attention to the statement of programme budget implications contained in document A/C.3/60/L.68.

2. **Mr. Khane** (Secretary of the Committee) recalled that Israel should have been included as an original sponsor and that the Republic of Korea, Serbia and Montenegro and Switzerland had joined in sponsoring the draft resolution at the time of its introduction.

3. **Mr. Wood** (United Kingdom), speaking on behalf of the original sponsors and also Australia, Andorra and Iceland, said that the sponsors remained deeply concerned about the ongoing, systematic human rights abuses in Myanmar, the fact that the Government of Myanmar had reduced its cooperation with the United Nations system and other international organizations, and the intimidation of those who cooperated with the International Labour Organization (ILO). They deeply regretted that the Special Envoy of the Secretary-General for Myanmar and the Special Rapporteur on the situation of human rights in Myanmar had not been allowed to visit since March 2004 and November 2003 respectively.

4. The draft resolution nonetheless also reflected positive developments in various fields. Because the democratic transition would have a fundamental influence on human rights, the sponsors had sought a more constructive and forward-looking approach in the current year's text. It had also acknowledged the process set in motion by the Government and identified the minimum international standards that would underpin a successful transition to democracy.

5. The sponsors fully agreed that a cooperative approach could help improve human rights situations and the ability of Governments to promote and protect human rights. For that reason, extensive consultations had been held with the delegation of Myanmar and other interested delegations, and the sponsors had offered to make substantial changes to the text. The draft resolution also now contained an offer of technical assistance to the Government of Myanmar on issues covered by the draft resolution. He urged the Committee to adopt the draft resolution without a vote, as it had done in the past.

6. He read out two revisions: in paragraph 1 (d), the words "on 6 July 2005" should be inserted after the words "The release by the Government of Myanmar of two hundred forty-nine political prisoners"; and in paragraph 3 (h), the words "a genuinely inclusive process" should be replaced by "an inclusive and credible process".

7. **Mr. Khane** (Secretary of the Committee) said that Bulgaria also wished to join in sponsoring the draft resolution.

8. **Mr. Swe** (Myanmar), making a general statement, said that over the years the European Union had put forward draft resolutions on Myanmar with a clear intention of micromanaging Myanmar's domestic political process under the pretext of human rights. Each year the content had become more intrusive and prescriptive. The focus of the draft resolution had shifted from human rights to the domestic political process. Despite several rounds of consultations, the text remained biased and politically intrusive. It encroached upon areas that were solely within the domestic domain of a sovereign Member State.

9. Through its national reconciliation process, Myanmar had promoted national unity. Almost all the country's insurgent groups had now joined the National Convention, an all-inclusive process that had made significant progress in laying down the principles to be enshrined in a new State Constitution. A draft State Constitution would be put to a national referendum and, if adopted, elections would be held. However, the European Union had turned a blind eye to those and other developments and once again had presented a highly politicized and intrusive draft resolution that selectively targeted Myanmar.

10. The current text also contained very harsh language and unfounded allegations, many of which originated from the disinformation campaign being waged by insurgents and a drug-trafficking armed group in an attempt to discredit the Government and people of Myanmar. His delegation regretted that the sponsors had become spokespersons for such elements. If the draft resolution went unchallenged, it would not

only infringe upon Myanmar's national sovereignty, but also create a dangerous precedent that would have far-reaching consequences for the entire United Nations membership. In the past, his delegation had not pressed for a vote but instead had dissociated itself from draft resolutions on Myanmar. However, in view of the intrusive language of the current text, his delegation saw no other recourse but to oppose the draft resolution.

11. In that regard, he recalled that, at their most recent Summit, held in Kuala Lumpur, the Heads of State or Government of Non-Aligned Countries had reaffirmed that human rights should not be used as instruments of political pressure especially against non-aligned and other developing countries and had upheld the Vienna spirit of international cooperation that should exclude exploitation of the question of human rights for political purposes, including selective targeting of individual countries for extraneous motivations. It was particularly important for the United Nations to remain faithful to that principle during the current reform of its human rights machinery. He therefore appealed to all developing countries to stand in solidarity with Myanmar and defeat the draft resolution by voting in favour of the motion to adjourn the debate on the draft resolution later in the meeting.

12. **Mr. Hamidon Ali** (Malaysia) said that his delegation wished to reiterate the principles enunciated by the Heads of State or Government of Non-Aligned Countries, namely that human rights issues must be addressed within the global context through a constructive, dialogue-based approach, with objectivity, respect for national sovereignty and territorial integrity, non-interference in the internal affairs of the State, impartiality, non-selectivity and transparency as the guiding principles, and that exploitation of human rights for political purposes, including selective targeting of individual countries for extraneous considerations, which was contrary to the principles and purposes of the United Nations Charter, should be excluded.

13. Guided by such principles, his delegation was opposed to resolutions targeting specific countries and, should any delegation move the adjournment of the debate on the draft resolution, would vote in favour of such a motion. His delegation called on the States submitting such draft resolutions to reconsider their actions, as the practice of "naming and shaming" Member States did not help promote human rights, but only contributed to further polarization and division among countries.

14. **Mr. Amorós Núñez** (Cuba) said that the objective of the draft resolution was not to promote genuine international cooperation on human rights but to politically manipulate Myanmar. With the current draft, the European Union, driven by selectivity, bias, double standards and a lack of objectivity, was rejecting dialogue and the principle of national sovereignty and territorial integrity. It was also seeking to disrupt the Committee's work, as it had done the work of the Commission on Human Rights. His delegation therefore moved the adjournment of the debate on the draft resolution under rule 116 of the rules of procedure and called for the support of all delegations. He hoped that the European Union would not reiterate its supposed opposition to such motions, given that in 2004, in the Commission on Human Rights, it had moved the adjournment of the debate on a draft resolution submitted by Cuba on the situation of detainees at the United States naval base in Guantánamo Bay.

15. **Mr. Khane** (Secretary of the Committee) said that the United States wished to join in sponsoring the draft resolution.

16. **The Chairman** said that, pursuant to rule 116 of the rules of procedure, two representatives could speak in favour of, and two against, the motion, after which the adjournment would be put to the vote.

17. **Mr. La Yifan** (China) said that his delegation supported the motion. Different countries had different levels of development; it was normal for them to have differences over human rights issues. States should seek to enhance understanding and resolve differences through dialogue and cooperation, on a basis of mutual respect and equality. The use of country-specific resolutions to single out developing countries led only to division and confrontation among Member States and was not conducive to the cause of human rights. China therefore hoped that all delegations would support the motion.

18. **Mr. Aydogdyev** (Turkmenistan) said that only through dialogue, encouragement, cooperation and capacity-building would the United Nations be able to assist countries in the advancement of human rights. Submitting country-specific resolutions, particularly against developing countries — as was the current

trend — did not reflect a constructive, dialogue-based approach and did little to promote human rights. At a time when the United Nations was seeking to reform its human rights machinery, it was important to follow a principled approach. His delegation therefore strongly supported the motion.

19. **Mr. Wood** (United Kingdom), speaking on behalf of the European Union, said that it was an important matter of principle to vote against any motion to adjourn the debate on the item under discussion. Moreover, it was not true that the European Union had introduced such a motion in the Commission on Human Rights. The Cuban motion was clearly aimed at preventing the Committee from examining substantive issues dealing with the promotion and protection of human rights — in the current case, in Myanmar. No country could be regarded as being beyond consideration by international human rights forums. Such a notion ran counter to the principles of universality and interdependence of all human rights. The Committee must address the situation of human rights in Myanmar, given the ongoing systematic violations and the Government's refusal to cooperate with the Special Rapporteur and the Secretary-General's Special Envoy.

20. If successful, the motion would not only prevent the Committee from even considering the issues covered in the draft resolution but also end the mandate that permitted the Secretary-General to use his good offices to continue dialogue with the Government of Myanmar — the kind of cooperative approach many delegations said they supported. The European Union would prefer Governments to enter into dialogue and allow the international community to fulfil its legitimate role in assessing implementation of human rights standards. As the only United Nations body dealing with human rights that had universal membership, the Committee should take action to address the international community's concerns and urge the Government of Myanmar to comply with United Nations decisions. The only conclusion that could be drawn from a failure to do so would be that the international community was indifferent to the human rights of the people of Myanmar. He therefore urged delegations to vote against the motion, regardless of their voting intentions on the draft resolution itself.

21. **Mr. Begg** (New Zealand) said that when delegations submitted proposals, particularly on grave human rights violations, the Committee ought to take action on them. If other delegations had concerns about the political motivation behind a draft resolution, the appropriate response was to vote against it, or abstain, not to seek to avoid taking action altogether through procedural motions. Draft resolutions should pass or fail according to their merits, not according to procedural tricks.

22. His delegation regretted the accusations of selectivity and double standards and the inaccurate assertion that Western countries sought to avoid international scrutiny. New Zealand, like many others, had opened itself up to such scrutiny by cooperating fully with treaty bodies and special procedures. Accusations that country-specific resolutions targeted developing countries was a distortion of the debate and a clear attempt to distract the Committee's attention. The draft resolution was introduced not to target a developing country, but because it focused on one of the most desperate human rights situations in the world today. Those delegations that had moved the adjournment of the debate would have the Committee believe it was because they were opposing hypocrisy, when the only hypocrisy was remaining silent in the face of massive human rights violations. His delegation intended to vote against the motion and hoped that all other delegations would do the same.

23. *A recorded vote was taken on the motion to adjourn the debate on draft resolution A/C.3/60/L.53.*

In favour:

Algeria, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Brunei Darussalam, Cambodia, Cameroon, China, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Egypt, Eritrea, Fiji, Gambia, Guinea, India, Indonesia, Iran (Islamic Republic of), Jamaica, Kazakhstan, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Malaysia, Mauritania, Myanmar, Namibia, Nepal, Pakistan, Papua New Guinea, Philippines, Russian Federation, Saint Lucia, Sierra Leone, Singapore, South Africa, Sudan, Syrian Arab Republic, Thailand, Turkmenistan, Uganda, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Afghanistan, Albania, Andorra, Argentina, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Haiti, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Nauru, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Palau, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Vincent and the Grenadines, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Tonga, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Vanuatu.

Abstaining:

Angola, Botswana, Brazil, Burkina Faso, Burundi, Cape Verde, Colombia, Djibouti, Equatorial Guinea, Ethiopia, Ghana, Guinea-Bissau, Guyana, Iraq, Jordan, Kenya, Kuwait, Kyrgyzstan, Mali, Mauritius, Morocco, Niger, Qatar, Rwanda, Saudi Arabia, Senegal, Sri Lanka, Suriname, Tajikistan, Togo, Trinidad and Tobago, Tunisia, United Arab Emirates, United Republic of Tanzania, Uruguay.

24. *The motion was rejected by 77 votes to 54, with 35 abstentions.*

25. **Mr. Swe** (Myanmar) said that, even though the motion to adjourn the debate on the draft resolution had been rejected, the results of the vote sent a clear message. Despite the tremendous political pressure exerted on developing countries, it was most telling that — apart from the 25 States members of the European Union, the United States and 20 other sponsors — the draft resolution had the support of only some 30 countries, thereby demonstrating that the "naming and shaming" tactics used by the powerful countries to selectively target developing countries for extraneous reasons were entirely unacceptable. Myanmar would not accept the exploitation of human rights for political purposes or the blatant attempt to dictate its domestic political process. It would proceed with its road map for a smooth transition to democracy and would resist all attempts to interfere in its internal affairs. Though it was not requesting a vote, his delegation dissociated itself entirely from the draft resolution.

26. *Draft resolution A/C.3/60/L.53, as orally revised, was adopted.*

27. **The Chairman** said that a number of delegations wished to express their position on the draft resolution.

28. **Mr. Amorós Núñez** (Cuba) reiterated that his delegation also dissociated itself from the consensus on the draft resolution, which in no way sought cooperation but was based on selectivity, bias and, above all, political manipulation.

29. **Ms. García-Matos** (Bolivarian Republic of Venezuela) reiterated her delegation's opposition to the practice of criticizing certain countries for human rights violations, as it contradicted the principles and purposes of the Charter. Any measure taken by the United Nations to promote and protect human rights must be based on cooperation and dialogue and should not penalize developing countries. Her delegation therefore dissociated itself from the consensus on the draft resolution.

30. **Mr. Taranda** (Belarus) said that his delegation had consistently considered such draft resolutions as the one on human rights in Myanmar as counterproductive and not conducive to the protection of human rights. Cooperation in human rights matters should be based on respect for national sovereignty and constructive dialogue among States. The work of the Committee should not be politicized.

31. **Mr. Ozawa** (Japan) said that over the years the delegation of Myanmar had consistently engaged in dialogue and negotiations in the Committee, the General Assembly and the Commission on Human Rights regarding various resolutions related to the human rights situation in its country. Although it had dissociated itself from the adoption of such resolutions, it had never opposed them. It was regrettable that at the current session a vote on a no-action motion had been deemed necessary because the delegation of Myanmar and the main sponsors had been unable to agree on mutually acceptable language to ensure adoption by consensus. The international community should adopt human rights resolutions that were balanced and that not only expressed concern but also welcomed and

encouraged improvements. Also, contrary to the case at hand, the Committee should always be given adequate time to consider the programme budget implications of draft resolutions.

32. In order to improve its human rights situation and pursue democratization, Myanmar should continue to engage in dialogue with the international community, particularly the United Nations. At the same time, the Secretary-General should continue to provide his good offices and to discuss with the Government and the people of Myanmar ways of improving the human rights situation and ensuring the restoration of democracy.

33. **Ms. Adiuso** (Indonesia) said that the submission of a country-specific draft resolution ran counter to ongoing efforts to reform the United Nations human rights machinery and avoid confrontational initiatives and the politicization of the Organization's work. Human rights issues must be addressed within the global context constructively, objectively, through dialogue and with respect for the principles of national sovereignty, territorial integrity, non-interference, impartiality, non-selectivity and transparency. The selective targeting of countries for political purposes should not be allowed.

34. **Mr. Arziev** (Uzbekistan) stated that Uzbekistan opposed country-specific resolutions on human rights issues because such initiatives created rifts among Member States. Emphasis on specific countries could thwart current discussions on the reform of the United Nations human rights machinery. Understanding Myanmar's position and appreciating its effort to avoid further rifts, Uzbekistan was not to be associated with the draft resolution.

Agenda item 67: Promotion and protection of the rights of children (*continued*) (A/C.3/60/L.22/Rev.1, L.66 and L.69)

Draft resolution A/C.3/60/L.22/Rev.1: Rights of the child

35. **The Chairman** drew attention to two documents pertaining to the draft resolution. The first, document A/C.3/60/L.66, was the statement of programme budget implications contained in draft resolution A/C.3/60/L.22 which also applied to the revised text. The second, document A/C.3/60/L.69, contained amendments submitted by the delegation of Singapore.

36. **Mr. Wood** (United Kingdom), introducing the draft resolution on behalf of the original sponsors, said that Albania, Andorra, Angola, Armenia, Australia, Benin, Bosnia and Herzegovina, Burkina Faso, Cape Verde, the Central African Republic, the Congo, Côte d'Ivoire, Iceland, Madagascar, Malawi, Mauritius, Nepal, the Philippines, the Republic of Moldova, Serbia and Montenegro, South Africa, Switzerland, Thailand, Togo, Turkmenistan and Ukraine had joined the sponsors.

37. The draft resolution was the product of a collaborative process between the European Union and some Latin American and Caribbean countries. The extensive consultations had led to rich discussions motivated by an obvious commitment of all the delegations involved to the rights of children. In addition to addressing the major challenges that threatened the full enjoyment of children's human rights, the draft resolution for the first time contained a section on one particular aspect of children's rights: the vulnerability of children affected by HIV/AIDS.

38. Despite extensive consultations, the sheer breadth of the issues covered by the draft resolution meant that not all delegations would find every paragraph acceptable. The sponsors had carefully weighed all the views expressed during consultations and had included references which had the support of the overwhelming majority of the delegations. They trusted that there would be no attempt to press amendments which experience had shown to be unacceptable to the majority. In view of its importance, the draft resolution deserved to be adopted by consensus.

39. **Mr. Khane** (Secretary of the Committee) announced that Algeria, Burundi, Guinea-Bissau, Kenya, Lesotho, Mauritania, Mozambique, New Zealand, the Niger, Nigeria, Papua New Guinea, the Russian Federation, Rwanda, Swaziland, Uzbekistan and Zambia had joined the sponsors.

40. **Mr. Tan** York Chor (Singapore), introducing the amendments to the draft resolution contained in document A/C.3/60/L.69, said that discipline in the schools was essential but should be properly regulated, and no child should be subjected to torture or other cruel, inhuman or degrading treatment or punishment in detention centres. The proposed amendments should be acted upon separately, because each merited consideration in the context of the relevant paragraphs of the draft.

41. **The Chairman** invited Committee members to make general statements before the Committee proceeded to vote on the amendments.

42. **Mr. Tan** York Chor (Singapore) said that in recent years a vote had been requested on various, formerly non-contentious draft resolutions. That was because some delegations, seemed to be eager to score points over others by bringing up divisive issues, compelling those who did not agree to call for a vote and thereby precluding consensus and distracting the General Assembly's attention from the main issue. Exploiting noble causes to score an illusory victory could only discredit the resolutions and the Organization. The issue of the death penalty had first emerged at the fifty-seventh session of the General Assembly. The elimination of corporal punishment in schools had been added for good measure the following year, when the main sponsor had barely abolished that form of punishment at home. Many countries, however, believed that they were entitled to differ in their views, as it was the right of every sovereign State to make its own decisions on such issues.

43. Singapore, firmly committed to implementing the Convention on the Rights of the Child, had an excellent domestic record on supporting the well-being of children, and invested heavily in their health, safety and education. The Government's policy of maintaining a school environment conducive to learning, free from dangers and unhealthy distractions, was widely supported by the people of Singapore. Every society had its own approach to school and parental discipline, and any attempt to impose policy details on diverse societies was unacceptable. Portraying disciplinary action taken in schools under proper regulations as a form of violence against children would unwarrantedly criminalize school authorities and would discredit the draft resolution. It would also criminalize parents who applied reasonable corporal punishment. Concerns about abuses by public officials should be addressed through adequate safeguards. During the informal consultations, the main sponsor had acknowledged that corporal punishment in schools was a very complex issue. For every argument in favour of abolishing corporal punishment, there was a counter-argument and evidence for maintaining it, provided it was properly regulated and reasonable. Moreover, some of the sponsors, including the main sponsor, had permitted corporal punishment in their schools until quite recently. Having made the change themselves, they expected every other State to comply with what they considered to be a new universal standard.

44. With regard to the provision in paragraph 3 that urged States parties to "consider reviewing other reservations with a view to withdrawing them", it should be noted that the Vienna Convention on the Law of Treaties explicitly permitted reservations that were compatible with the object and purpose of the relevant Convention. The purpose of reservations to international treaties and conventions was to encourage the early accession of as many countries as possible. The tendency to discourage reservations was therefore counterproductive and gave cause for concern. If specific obligations did not admit a reservation, the treaty or convention concerned should explicitly forbid reservations in respect of those obligations.

45. **Mr. Wood** (United Kingdom) said that the proposed amendments were regrettable because they had been fully considered during open, transparent and friendly informal consultations. The United Kingdom was not the only main sponsor of the draft resolution. More than 50 countries from the European Union and the Latin American and Caribbean region and other States, 90 sponsors in all, had been overwhelmingly against the changes proposed by the delegation of Singapore. The main sponsors valued consensus, but not at the expense of never progressing on the issues concerned. They would oppose the amendments.

46. **Ms. Pi** (Uruguay) said that the amendments were unacceptable to the sponsors. The proposed new operative paragraph 15 (c) was redundant and could lead to misinterpretation of the spirit of the resolution. The amendment to operative paragraph 15 (d) was untenable, because corporal punishment violated article 19 of the Convention on the Rights of the Child. Protection of children from all physical and mental punishment or violence was provided for by the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. The amendment to operative paragraph 27 weakened unacceptably language adopted by the Commission on Human Rights and the General Assembly. Articles 6 and 37 of the Convention on the Rights of the Child contained relevant provisions. The amendment to operative paragraph 28 was inappropriate because that paragraph was aimed at the elimination of corporal punishment of persons under 18 in detention centres, in

line with the Convention on the Rights of the Child. The Committee should adopt a clear-cut text recognizing that the rights of the child were paramount.

47. **Mr. Khane** (Secretary of the Committee) said that, the main sponsors having rejected the four amendments proposed by Singapore in document A/C.3/60/L.69, the delegation of Singapore had requested a separate vote on each amendment to draft resolution A/C.3/60/L.22/Rev.1.

48. *A recorded vote was taken on the proposed insertion of a new subparagraph following paragraph 15 (c).*

In favour:

Afghanistan, Antigua and Barbuda, Bahamas, Bangladesh, Barbados, Belize, Bhutan, Botswana, Brunei Darussalam, Cambodia, China, Democratic People's Republic of Korea, Dominica, Equatorial Guinea, Gambia, Ghana, Grenada, Guinea, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Libyan Arab Jamahiriya, Malaysia, Myanmar, Oman, Pakistan, Republic of Korea, Saint Lucia, Sierra Leone, Singapore, Sudan, Suriname, Syrian Arab Republic, United States of America, Viet Nam.

Against:

Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Central African Republic, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Greece, Guatemala, Guinea-Bissau, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Kazakhstan, Kenya, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mozambique, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Serbia and Montenegro, Slovakia, Slovenia, South Africa, Spain, Swaziland, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela (Bolivarian Republic of), Yemen, Zambia.

Abstaining:

Bahrain, Japan, Jordan, Kuwait, Mongolia, Morocco, Qatar, Saudi Arabia, Sri Lanka, Tuvalu, Uganda, United Arab Emirates, Zimbabwe.

49. *The proposed insertion of a new subparagraph following paragraph 15 (c) was rejected by 111 votes to 39, with 13 abstentions.*

50. *A recorded vote was taken on the amendment proposed to paragraph 15 (d).*

In favour:

Antigua and Barbuda, Bahamas, Barbados, Botswana, Brunei Darussalam, Dominica, Equatorial Guinea, Gambia, Ghana, Grenada, Guyana, Iraq, Jamaica, Malaysia, Myanmar, Republic of Korea, Saint Lucia, Sierra Leone, Singapore, Sudan, Syrian Arab Republic, Tajikistan, United States of America.

Against:

Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Greece, Guatemala, Guinea-Bissau, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kenya, Kyrgyzstan, Latvia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Maldives, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of

Moldova, Romania, Russian Federation, Rwanda, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Serbia and Montenegro, Slovakia, Slovenia, South Africa, Spain, Suriname, Swaziland, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia.

Abstaining:

Bahrain, Bangladesh, Belize, Bhutan, Guinea, Haiti, India, Indonesia, Iran (Islamic Republic of), Kuwait, Mali, Mongolia, Morocco, Saudi Arabia, Sri Lanka, Tuvalu, Uganda, United Arab Emirates, Zimbabwe.

51. *The amendment proposed to paragraph 15 (d) was rejected by 119 votes to 23, with 19 abstentions.*

52. *A recorded vote was taken on the amendment proposed to paragraph 27.*

In favour:

Afghanistan, Bangladesh, Barbados, Bhutan, Botswana, Brunei Darussalam, China, Democratic People's Republic of Korea, Dominica, Egypt, Equatorial Guinea, Gambia, Ghana, Grenada, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Malaysia, Maldives, Myanmar, Oman, Pakistan, Philippines, Qatar, Saint Lucia, Sierra Leone, Singapore, Sudan, Syrian Arab Republic, United States of America, Zimbabwe.

Against:

Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Greece, Guatemala, Guinea-Bissau, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Kazakhstan, Kenya, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Serbia and Montenegro, Slovakia, Slovenia, South Africa, Spain, Swaziland, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela (Bolivarian Republic of), Yemen.

Abstaining:

Antigua and Barbuda, Bahamas, Bahrain, Belize, Guinea, Haiti, Japan, Jordan, Kuwait, Mali, Mongolia, Morocco, Niger, Republic of Korea, Saudi Arabia, Sri Lanka, Suriname, Tuvalu, Uganda, United Arab Emirates, Zambia.

53. *The amendment proposed to paragraph 27 was rejected by 106 votes to 36, with 21 abstentions.*

54. **Mr. Degia** (Barbados), speaking in explanation of vote after the vote on the proposed amendment to paragraph 27, said that his delegation had voted in favour of it even though Barbados itself had in the early 1980s repealed the death penalty for persons under the age of 18. Its vote should therefore not be construed as support for the death penalty but rather as an expression of deep concern about the incremental manner in which some States had sought to impose on the rest of the international community their own views and standards regarding issues like the death penalty or corporal punishment, on which there was no international consensus.

55. **Mr. Malhotra** (India), speaking in explanation of vote before the vote on the proposed amendment to paragraph 28 of the draft resolution, said that his delegation would abstain because, by substituting a reference to torture and similar treatment for the reference to corporal punishment, the amendment presented a wrong choice. It was the responsibility of the United Nations to protect children in detention, and they should not only be spared both corporal punishment and forced labour but should in addition

not be subjected to torture or other cruel, inhuman or degrading treatment or punishment.

56. **Mr. Wood** (United Kingdom) said that the sponsors of the draft resolution would be voting against the proposed amendment to paragraph 28 because it in effect deleted any reference to corporal punishment, while replacing it with something that was already covered under the general prohibition in paragraph 13 of the draft resolution.

57. *A recorded vote was taken on the amendment proposed to paragraph 28.*

In favour:

Antigua and Barbuda, Bahamas, Bangladesh, Barbados, Bhutan, Botswana, Brunei Darussalam, China, Dominica, Equatorial Guinea, Gambia, Ghana, Grenada, Guyana, Jamaica, Libyan Arab Jamahiriya, Malaysia, Oman, Saint Lucia, Sierra Leone, Singapore, Syrian Arab Republic, Zimbabwe.

Against:

Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Greece, Guatemala, Guinea-Bissau, Honduras, Hungary, Iceland, Iraq, Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kenya, Kyrgyzstan, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Maldives, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Serbia and Montenegro, Slovakia, Slovenia, South Africa, Spain, Suriname, Swaziland, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela (Bolivarian Republic of), Yemen.

Abstaining:

Afghanistan, Bahrain, Belize, Guinea, Haiti, India, Indonesia, Iran (Islamic Republic of), Kuwait, Mali, Mauritius, Morocco, Pakistan, Qatar, Saudi Arabia, Sri Lanka, Sudan, Uganda, United Arab Emirates, United States of America, Zambia.

58. *The amendment proposed to paragraph 28 was rejected by 116 votes to 23, with 21 abstentions.*

59. **Ms. Ohashi** (Japan) said that during the informal consultations on the renewal of the mandate of the Special Representative of the Secretary-General for Children and Armed Conflict, dealt with in paragraph 35 of the draft resolution, Japan had proposed that the renewal should be subject to the availability of funds from voluntary contributions, so that the Office of the Special Representative could be supported through extrabudgetary funding. The amendment had not been accepted by the sponsors, and her delegation was therefore now asking for a separate vote on paragraph 35 of draft resolution A/C.3/60/L.22/Rev.1.

60. After a procedural discussion in which **Mr. Malhotra** (India), **Mr. Cumberbach** (Cuba), **Mr. Tan** York Chor (Singapore), **Ms. Prosser** (United States of America), **Ms. Ohashi** (Japan), **Mr. Rowe** (Sierra Leone) and **Mr. Khane** (Secretary of the Committee) took part, the **Chairman** invited explanations of vote before the vote on the retention of paragraph 35.

61. **Mr. Babadoudou** (Benin), observing that his Government attached great importance to the work of the Special Representative, urged all delegations to vote, as Benin would, in favour of retaining paragraph 35 as drafted.

62. **Mr. Nurnberg** (Norway) said that the Committee must decide if the Office of the Special Representative should be allowed to build on its many successful achievements of the past years and ultimately create safe conditions for the children throughout the world affected by armed conflict. Norway intended to vote in favour of retaining paragraph 35, thereby extending the Special Representative's mandate.

63. **Mr. Malhotra** (India) said that, given the vulnerability of children affected by armed conflict, an issue necessarily of international concern, his delegation would vote to retain paragraph 35.

64. **Mr. Wood** (United Kingdom), speaking on behalf of the European Union, said that the European Union delegations attached great importance to the mandate of the Special Representative, the first to have advocated so successfully throughout the United Nations system for the protection of children in situations of armed conflict. The Japanese proposal had been rejected in the informal consultations on the question because, since no voluntary contributions had ever been pledged, it would have meant closing the Office of the Special Representative by the end of the month. His delegation urged all those to whom the protection of children mattered to vote to retain paragraph 35 and to allow the Special Representative to continue his valuable work.

65. **Mr. Rowe** (Sierra Leone) said that since the deletion of paragraph 35 would be tantamount to the abolition of the Office of the Special Representative, his delegation would vote in favour of its retention. Any budgetary problems should be dealt with by the Fifth Committee and the Advisory Committee on Administrative and Budgetary Questions.

66. **Ms. Otiti** (Uganda) said that her delegation would vote against retaining paragraph 35 as currently drafted. To begin with, it attributed progress to the Special Representative that, in Uganda, had been due instead to the Government's own efforts along with those of its development partners and some non-governmental organizations. Moreover, the paragraph failed to address the issue of the Special Representative's mandate, which the Secretary-General himself had, in the report referred to in the text, characterized as vague in nature, unclear as to the functions of the position, and actually detrimental to focused advocacy. Paragraph 35 should therefore have requested the Secretary-General to submit a follow-up report at the sixty-first session of the General Assembly regarding the implementation of his recommendations on the system-wide response to children and armed conflict.

67. In future, Uganda would be in favour of extending the Special Representative's mandate, once it had been properly clarified, and would pledge cooperation with an objective, professional mandate holder who worked transparently for the protection of children all over the world, including Uganda.

68. **Mr. Cumberbach** (Cuba) said that his delegation intended to vote for retention of paragraph 35.

69. *A recorded vote was taken on the retention of paragraph 35.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland,

United Republic of Tanzania, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Japan, Uganda, United States of America.

Abstaining:

None.

70. *Paragraph 35 was approved by 163 votes to 3.*

71. **Ms. Ohashi** (Japan), said that her delegation had voted against the inclusion of paragraph 35, although the rights and welfare of children affected by armed conflict was one of the most important issues for her Government and it was committed to finding a lasting solution to the problem. Japan had no objection to extending the mandate of the Special Representative, because the United Nations needed a mechanism to monitor the situation of such children. It believed, however, that in order to ensure transparent and efficient management, the Office of the Special Representative should be maintained through voluntary contributions, given the overall financial situation of the United Nations.

72. **Mr. Tan** York Chor (Singapore), referring to draft resolution A/C.3/60/L.22/Rev.1, requested separate votes on the deletion of the words "and to take measures to eliminate the use of corporal punishment in schools" in paragraph 15 (d), the words "in particular those States in which the death penalty has not been abolished" in paragraph 27, and the words "or corporal punishment" in paragraph 28.

73. **Mr. Wood** (United Kingdom) objected that the proposal to delete those words in draft resolution A/C.3/60/L.22/Rev.1 were no different from the amendments proposed in document A/C.3/60/L.69. Those amendments had been rejected by recorded votes taken earlier in the meeting and could not be put to the vote again.

74. **Mr. Tan** York Chor (Singapore) said that under the terms of rule 129 of the rules of procedure he was entitled to call for a vote on any part of a proposal, the case in point being parts of draft resolution A/C.3/60/L.22/Rev.1.

75. *A recorded vote was taken on paragraph 15 (d).*

In favour:

Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Cameroon, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Guinea-Bissau, Honduras, Hungary, Iceland, Iraq, Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kenya, Kyrgyzstan, Latvia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Maldives, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Russian Federation, Rwanda, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia.

Against:

Antigua and Barbuda, Bahamas, Barbados, Botswana, Brunei Darussalam, Dominica, Grenada, Guyana, Iran (Islamic Republic of), Jamaica, Malaysia, Saint Lucia, Sierra Leone, Singapore, Sudan, Syrian Arab Republic, United States of America.

Abstaining:

Belize, Bhutan, Guinea, Haiti, India, Indonesia, Kuwait, Qatar, Republic of Korea, Sri Lanka, Suriname, Uganda, United Arab Emirates.

76. *Paragraph 15 (d) was retained by 125 to 17, with 13 abstentions.*

77. *A recorded vote was taken on paragraph 27.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Cameroon, Canada, Cape Verde, Central African Republic, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Finland, France, Georgia, Germany, Greece, Guatemala, Guinea-Bissau, Honduras, Hungary, Iceland, Iraq, Ireland, Israel, Italy, Kazakhstan, Kenya, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Romania, Russian Federation, Rwanda, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Serbia and Montenegro, Slovakia, Slovenia, South Africa, Spain, Swaziland, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela (Bolivarian Republic of), Yemen.

Against:

Barbados, Botswana, Brunei Darussalam, China, Dominica, Egypt, Gambia, Ghana, Grenada, Guyana, India, Indonesia, Iran (Islamic Republic of), Jamaica, Libyan Arab Jamahiriya, Malaysia, Maldives, Pakistan, Philippines, Qatar, Saint Lucia, Sierra Leone, Singapore, Sudan, Syrian Arab Republic, Uganda, United States of America, Zimbabwe.

Abstaining:

Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Belize, Bhutan, Burkina Faso, Democratic People's Republic of Korea, Guinea, Haiti, Japan, Jordan, Kuwait, Mali, Niger, Republic of Korea, Saudi Arabia, Sri Lanka, Suriname, United Arab Emirates, Zambia.

78. *Paragraph 27 was retained by 109 to 28, with 21 abstentions.*

79. *A recorded vote was taken on paragraph 28.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bangladesh, Belarus, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Cameroon, Canada, Cape Verde, Central African Republic, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Finland, France, Georgia, Germany, Greece, Guatemala, Guinea-Bissau, Honduras, Hungary, Iceland, India, Indonesia, Iraq, Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kenya, Kyrgyzstan, Latvia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Maldives, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Namibia, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Rwanda, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Serbia and Montenegro, Slovakia, Slovenia, South Africa, Spain, Swaziland, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Yemen.

Against:

Antigua and Barbuda, Barbados, Botswana, Brunei Darussalam, Dominica, Gambia, Grenada, Guyana, Jamaica, Malaysia, Saint Lucia, Sierra Leone, Singapore, Syrian Arab Republic.

Abstaining:

Bahamas, Bahrain, Belize, Bhutan, China, Guinea, Haiti, Iran (Islamic Republic of), Kuwait, Pakistan, Qatar, Saudi Arabia, Sri Lanka, Sudan,

Suriname, Tuvalu, Uganda, United Arab Emirates, United States of America, Zambia.

80. *Paragraph 28 was retained by 123 to 14, with 20 abstentions.*

81. **Ms. Prosser** (United States of America) said that her Government wished to propose several amendments to draft resolution A/C.3/60/L.22/Rev.1. They had been sent to the Secretary and posted electronically. Her delegation would not insist on bringing them to a vote if they were unacceptable to the main sponsors of the resolution, but it requested that they should be published verbatim as part of the official record of the meeting.

82. The second preambular paragraph should be amended to read: "Emphasizing that the Convention on the Rights of the Child, its Protocol on the Sale of Children, Child Prostitution and Child Pornography, its Protocol on the Involvement of Children in Armed Conflict, the International Covenant on Civil and Political Rights, as well as the ILO Convention No. 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, the Hague Convention on the Civil Aspects of International Child Abduction, and the 1951 Convention relating to the Status of Refugees and its 1967 Protocol contain a comprehensive set of international legal standards for the protection and well-being of children, and reaffirming that the best interests of the child shall be a primary consideration in all actions concerning children".

83. In the operative part, paragraph 2 should be revised to read "Urges States that have not yet done so to consider as a matter of priority signing and ratifying or acceding to the Convention on the Rights of the Child and its Optional Protocols, and urges States parties to implement them fully, while stressing that the implementation of the Convention and its Optional Protocols and the achievement of the goals of the World Summit for Children from the special session of the General Assembly on children are mutually reinforcing." Obligations under the Convention should apply only to States parties, therefore the second line of paragraph 4 should read "and calls upon all States parties". Paragraph 7 should either read "Urges again all States parties to intensify" or the words "to comply with their obligations under the Convention on the Rights of the Child" should be deleted. Paragraph 9 concerning children whose parents lived in different States was unacceptably weak, as it failed to address the need for effective means of legally enforcing international access and visitation; therefore, the words "to the extent consistent with the obligations of each State" should be deleted, and the word "enforceable" should be inserted in the fourth line before "means of access and visitation".

84. Paragraph 10 on international parental or familial child abduction was also too weak, because it failed to address enforcement of remedies and treaty compliance. Accordingly, "accession to" in the third line should be replaced by "accession or ratification and full compliance with" before the words "the Hague Convention". In the penultimate line the words "facilitate, inter alia," should be replaced by "enforce", and the word "habitually" should be inserted before "resided". Paragraph 16 should be deleted. Paragraph 33 (c) should end after the words "Geneva Conventions of 12 August 1949;" and the last two lines of the paragraph should be deleted. If Japan did not call for a vote on paragraph 35, she would say that paragraph 35 should either be deleted, or amended by inserting the phrase "exclusively by means of voluntary contributions" before "extend the mandate of the Special Representative".

85. **Mr. Wood** (United Kingdom) said that at least some of the proposed amendments should have been discussed during the informal consultations. They appeared to undermine the Convention on the Rights of the Child, which had become the ratified international standard. On behalf of the sponsors, he accepted the United States offer to forego a vote on the proposed amendments.

86. **Mr. Malhotra** (India) said that there had been barely time to write down the proposed amendments. Both the sponsors and other delegations should make a little more effort in future and adopt a more responsible attitude, so that such a situation would not arise again.

87. **Ms. Pi** (Uruguay) said that the sponsors had made major efforts throughout the informal negotiations, and comments and amendments had been taken into account as far as possible. All delegations had had the chance to participate in the negotiation process, and the amendments put forward should have been proposed in the course of that process.

88. **Ms. Wood** (United States of America) requested a recorded vote on draft resolution A/C.3/60/L.22/Rev.1.

89. **Mr. Begg** (New Zealand), speaking on behalf of Canada and New Zealand, said that those countries were committed to the protection and promotion of the rights of the child and supported numerous relevant major international instruments. Their Governments were also among the staunchest defenders of a strong text.

90. Although the resolution contained some good language, for some years much of the text had repeated existing treaty provisions which were already binding on most Sates, and it had become difficult to discuss change and new issues due to the length and unwieldy form of the resolution. He commended the modest success of the main sponsors in the current year in streamlining the text and introducing new issues. The section on children and HIV/AIDS was a welcome addition, and more effort should be focused on new issues of that type, rather than on rehashing old debates. The fact that the subject matter of that section would deal with a new subject every year was also a welcome development.

91. The erosion of support for the draft resolution was a concern. A few years earlier the text had been adopted by consensus, but increasingly parts of it were being put to the vote, and the current year constituted a nadir. It was regrettable that not all delegations could support the references made in the resolution to the Convention on the Rights of the Child, the need to eliminate the juvenile death penalty and corporal punishment in schools, and the important role of the International Criminal Court in combating impunity. While the Canadian and New Zealand delegations continued to strongly support those provisions, they saw no need to keep putting an omnibus draft resolution on children to the vote. If the draft resolution was considered less often, the Committee could consider shorter and more focused resolutions. The approach to children's rights in the General Assembly should be reconsidered.

92. **Mr. Tan** York Chor (Singapore) commended the representative of New Zealand for echoing many points contained in his own earlier statement.

93. **Ms. Wood** (United States of America), speaking in explanation of vote before the voting, said that her Government supported many of the principles and standards underlying the Convention on the Rights of the Child. Her Government was committed to fully integrating the protection of children's rights into its foreign policy and applied the Convention more effectively than did many of the States parties. However, the Convention conflicted with parental authority and the provisions of state and local law in many fields which were primarily the responsibility of state and local governments in her country, where legislation generally apportioned rights between adults and children in a different manner from the Convention.

94. The draft resolution overemphasized the importance of the Convention on the Rights of the Child by asserting that it must constitute the standard in the promotion and protection of the rights of the child. Other international instruments addressed particular problems, for example child labour, more comprehensively and effectively.

95. The language on the right of children to have access to and to visit both parents and on international parental and familial child abduction was too weak. The language concerning the International Criminal Court should be neutral and factual. Some of the formulations had been improved, for example on the exploitation of children. However, the text should be shorter, should target issues of critical importance to children and should focus on matters not addressed in other resolutions.

96. Her delegation would vote against the draft resolution, because of unacceptable language or issues that should be addressed elsewhere.

97. *A recorded vote was taken on draft resolution A/C.3/60/L.22/Rev.1.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cameroon, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea,

Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

United States of America.

Abstaining:

Nauru.

98. *Draft resolution A/C.3/60/L.22/Rev.1 was adopted by 173 to 1, with 1 abstention.*

99. **Mr. Rowe** (Sierra Leone) said that the draft resolution was important to all who cherished the rights and dignity of children. Despite reservations, some of which had been reflected in the separate votes requested by Singapore, and disappointment that it had been necessary to resort to a vote, his delegation had voted in favour of the draft resolution.

100. **Ms. García-Matos** (Bolivarian Republic of Venezuela) said that her country's organic law on the integral protection of children and adolescents was based on the Convention on the Rights of the Child and treated the child as a developing person having the rights and duties belonging to all human beings.

101. Her delegation appreciated the work of the principal sponsors, particularly the delegation of Uruguay. However, she wished to make an interpretative declaration concerning its sixth preambular paragraph. As the Committee was aware, her Government did not recognize document A/60/1 as an official part of the 2005 World Summit, but considered it rather as a working paper, which did not impose any obligations or mandate on her country. It therefore interpreted the sixth preambular paragraph of the draft resolution as a reference to the general commitments which should guide Governments seeking to create a world in which the rights of children and adolescents were respected.

102. Her delegation noted with satisfaction that the next session would include an item on children and poverty, motivating her Government to continue its traditional sponsorship of the draft resolution at the sixty-first session.

103. **Mr. Degia** (Barbados), speaking also on behalf of the delegations of Antigua and Barbuda, the Bahamas, Dominica, Grenada, Guyana, Jamaica and Saint Lucia, said that, contrary to tradition, those delegations had not sponsored the draft resolution in the current year and, owing to persistent concerns over language referring to corporal punishment, had either abstained from voting on paragraphs 15 (d) and 28 or had voted against them. Whereas in most cases corporal punishment was carried out in limited circumstances and with due regard to the safety and dignity of the child, in the draft resolution the reference to it had been placed in a subsection entitled "Violence against children" and thus implicitly equated with such heinous acts as trafficking in children.

104. The draft resolution dealt with issues that were of paramount importance to the Governments on whose behalf he was speaking. Their position should not be misconstrued as lack of support for the overall thrust of the resolution or the critically important principles of the promotion and protection of the rights of children.

The meeting rose at 6.05 p.m.